



# **TOWNSHIP OF SOUTHWOLD**

## **OFFICIAL PLAN**

**JULY 2021**

# TABLE OF CONTENTS

1	Introduction .....	1
1.1	Context for this Official Plan .....	1
1.2	Basis for the 2021 Official Plan .....	1
1.3	Effect of the Plan.....	2
1.4	Plan Organization and Interpretation .....	2
1.5	Conformity with the Provincial Policy Statement and County of Elgin Official Plan.....	3
2	Official Plan Objectives .....	4
2.1	Growth Management Planning Objectives .....	4
2.2	Resource Planning Objectives.....	4
2.3	Land Use Planning Objectives.....	4
2.4	Infrastructure Objectives.....	5
2.5	Implementation Objectives .....	5
3	General Policies .....	5
3.1	Growth Forecast .....	5
3.2	Growth Strategy.....	7
3.3	Economic Development .....	10
3.4	Housing.....	11
3.5	Land Use Compatibility.....	12
3.6	Climate Change .....	13
4	Environment and Resource Policies .....	15
4.1	Natural Heritage.....	15
4.2	Natural Hazard Lands .....	20
4.3	Water Resources .....	23
4.4	Mineral Aggregate Resources.....	27
4.5	Petroleum Resources .....	30
4.6	Cultural Heritage and Archaeological Resources.....	31
5	Land Use Policies .....	33
5.1	Agricultural Area .....	33
5.2	Settlement Area Land Uses .....	37
5.3	Hamlets .....	43

5.4	Highway Service Commercial.....	44
5.5	Parks, Open Space and Recreation .....	45
5.6	Waste Management Centre .....	47
6	Infrastructure .....	49
6.1	Transportation Network.....	49
6.2	Sanitary, Water and Stormwater Management .....	53
6.3	Municipal Drains .....	56
6.4	Electrical Power Facilities .....	57
6.5	Alternative and Renewable Energy Systems, Energy Conservation and Generation .....	57
6.6	Waste Management.....	58
6.7	Public Utilities .....	59
6.8	Green Design and Green Infrastructure .....	60
7	Implementation.....	61
7.1	General .....	61
7.2	Delegation of Authority.....	61
7.3	Official Plan Amendments .....	61
7.4	Five Year Review of Official Plan.....	61
7.5	Pre-Consultation Requirements.....	61
7.6	Public Consultation and Engagement .....	63
7.7	Decision, Notice and Appeal to LPAT .....	63
7.8	Existing, Non-Complying and Non-Conforming Uses.....	63
7.9	Planning Studies.....	65
7.10	Secondary Plans .....	65
7.11	Community Improvement Plans .....	66
7.12	Community Benefits.....	67
7.13	Parkland Dedication .....	67
7.14	Official Plan Amendments .....	67
7.15	Zoning By-Law Amendment.....	67
7.16	Temporary Use By-Laws .....	68
7.17	Interim Control By-law .....	68
7.18	Part Lot Control.....	69
7.19	Plans of Subdivision.....	69
7.20	Draft Plan of Condominium .....	70

7.21	Site Plan Control.....	70
7.22	Committee of Adjustment.....	72
7.23	Consents.....	74
7.24	Capital Works.....	75
8	Definitions.....	76

## LIST OF SCHEDULES

Schedule 1: Municipal Structure

Schedule 2: Natural Heritage Features

Schedule 3: Natural Hazards

Schedule 4: General Land Use

Schedule 4A: Talbotville Land Use

Schedule 4B: Shedden Land Use

Schedule 4C: Fingal Land Use

Schedule 4D: North Port Stanley Land Use

Schedule 4E: Hamlet Settlement Area Boundaries

Schedule 5: Transportation

Schedule 6: Petroleum Resources and Closed Waste Disposal Sites

## LIST OF MAPS AND TABLES

Map 1: Aquifer Vulnerability, Kettle Creek Watershed

Map 2: Highly Vulnerable Aquifers, Kettle Creek Watershed

Map 3: Aquifer Vulnerability, Lower Thames Valley Watershed

Map 4: Highly Vulnerable Aquifers, Lower Thames Valley Watershed

Table 3. 1: Population Forecast

Table 3.2: Housing Forecast

Table 3.3: Employment Forecast

Table 4.1: Guidance for Assessing Impacts on Natural Heritage Features

Table 5.1: Residential Densities

# 1 INTRODUCTION

## 1.1 Context for this Official Plan

### 1.1.1 Historical Context

The Township of Southwold (also referred to as Township within this document) is located in southwestern Ontario, generally between the shores of Lake Erie and the Thames River. The Township is located in Elgin County and is approximately 30 kilometers south of the City of London and is home to approximately 4,570 people (2016). The Township was initially opened for settlement in 1792, with early colonists arriving in 1803. Initial development occurred along the Lake Erie shoreline and eventually the arrival of the railway saw the emergence of a handful of smaller rural settlements. The Township was incorporated in 1852 and while the intervening years have seen some major industrial developments come and go, the present-day community is predominantly agricultural and includes a number of smaller towns and hamlets.

### 1.1.2 Background for Official Plan Review

The Township's first Official Plan (also referred to as Plan within this document) was adopted in 2011 and subsequently approved by the Province in 2013. Since the approval of the original Official Plan in 2013, there have been a number of policy changes at the Provincial and County level, along with a number of emerging issues and opportunities which prompted the Township to launch a review of its Official Plan in 2019. From a policy perspective, the Province adopted a new Provincial Policy Statement and the County's first ever Official Plan came into force and effect in 2013. In recent years, the Township has also begun to see a number of growth management issues emerge and there is a need for the Official Plan to provide guidance on where and how the Township will grow over time.

## 1.2 Basis for the 2021 Official Plan

A review of the Official Plan was initiated in 2019 in order to respond to the changing local community, physical conditions and to address the relevant economic, social and environmental changes. The Official Plan Review (OPR) considered the Planning Act, Provincial Policy Statement, 2020 (PPS, 2020) and the County of Elgin Official Plan (2013).

The basis for this 2021 Official Plan includes the PPS, 2020, the County Official Plan (2013) along with a Policy Background Report (2019) which examines the detailed policy context, growth trends and projections, growth management as well as agriculture, natural resources and natural hazards. The comprehensive planning program initiated to prepare the 2021 Official Plan also included regular meetings with Council, a public open house, and consultation with provincial agencies and the affected Conservation Authorities.

This Plan is intended to provide planning guidance for a planning period of 2021-2041. This Plan will be monitored, reviewed and amended on a five year basis, or as necessary to maintain its currency and conformity with provincial and county policies. For additional detail on the basis for the Official Plan, refer to Part 2 Objectives.

## 1.3 Effect of the Plan

After this Official Plan is approved by Council and adopted pursuant to the Planning Act, no work shall be undertaken and, except as provided for under the Planning Act, no By-law shall be passed for any purpose that does not conform to the Plan.

## 1.4 Plan Organization and Interpretation

### 1.4.1 Official Plan Contents

The Official Plan includes the policies and text within the Plan, along with the Schedules and Definitions. Material changes to the text and schedules of this document require an Official Plan Amendment. Minor changes, including any formatting, typographical errors and numbering changes do not require an Official Plan Amendment. Updates or modifications, for instance minor boundary adjustments, to the maps within this Official Plan do not require an Amendment.

### 1.4.2 Organization of the Plan

The Plan consists of eight Parts:

**Part 1 – Introduction** includes the rationale for the update to the Official Plan and details on the effect, organization and interpretation of the content included.

**Part 2 – Official Plan Objectives** establish the direction for the policies in the corresponding sections in the body of the Official Plan.

**Part 3 – General Policies** is comprised of the Growth Forecast, Growth Strategy, Settlement Area Expansions, Economic Development, Housing, Land Use Compatibility and Additional General Policies.

**Part 4 – Resource Policies** is comprised of content on Natural Heritage, Natural Hazard Lands, Water Resources, Mineral Aggregate Resources, Petroleum Resources, Cultural Heritage and Archaeological Resources, and Climate Change.

**Part 5 – Land Use Policies** is comprised of content on Agricultural Areas, Settlement Areas, Hamlets, Highway Commercial, Open Space, and Waste Management Centre.

**Part 6 – Infrastructure** is comprised of policies pertaining to roads, sanitary, water, storm-water, power, energy, utilities and green infrastructure.

**Part 7 – Implementation** describes how the objectives, policies, schedules and maps of the Official Plan will be implemented.

**Part 8 – Definitions** – includes defined terms which form part of the Official Plan.

### 1.4.3 Interpretation

#### 1.4.3.1 General

The contents of this Plan should be considered in its entirety when applying or interpreting policy.

The Township of Southwold's Council, appointed Committees, and Municipal staff are responsible for the interpretation of this Plan. Where appropriate the Province of Ontario or County of Elgin's interpretation shall be considered.

#### 1.4.3.2 Conflicting Policies

In general, where two policies are in conflict, the more restrictive policy applies however interpretation shall be subject to the discretion of the Township.

#### 1.4.3.3 Boundary Interpretation

The boundaries on all schedules are approximate unless defined using roads, railways, parcel boundaries or physical features in which case the boundaries are to be considered absolute.

### 1.5 Conformity with the Provincial Policy Statement and County of Elgin Official Plan

#### 1.5.1 Provincial Policy Statement

Section 3 of the *Planning Act* requires municipalities to make decisions and enact by-laws, which are consistent with the Provincial Policy Statement (PPS). The PPS, 2020 is inclusive of four sections that develop a narrative of provincial direction on land use planning and development, which are: Building Strong Communities, Wise Use and Management of Resources, Protecting Public Health and Safety and Implementation. The Township of Southwold's Official Plan has been prepared to align with and be consistent with the PPS, 2020.

#### 1.5.2 County of Elgin Official Plan

The County of Elgin is the upper-tier municipality and the Township of Southwold is the lower-tier municipality that comprise a two-tier planning system. The County of Elgin Official Plan provides direction on matters of Provincial and County-wide interest. Based on the *Planning Act*, the lower-tier municipality is to conform to the Official Plan of the upper-tier municipality. The Township of Southwold's Official Plan is prepared to align with and conform to the County of Elgin Official Plan (2013).

## 2 OFFICIAL PLAN OBJECTIVES

The following objectives are intended to guide decision-making and provide context for the detailed policies of this Official Plan.

### 2.1 Growth Management Planning Objectives

- a) To direct the majority of population and employment growth to settlement areas;
- b) To encourage commercial and industrial development in appropriate locations and reserve suitable lands in the Township for future economic development opportunities;
- c) To provide guidance for future infrastructure investment;
- d) To provide for a healthy agricultural sector within the Township's economy;
- e) To ensure that the level of services required by development is within the Township's financial capabilities;
- f) To ensure that the Township of Southwold provides opportunities for employment, learning, culture, recreation, and physical, social, emotional and spiritual well-being in a manner that is environmentally sound;
- g) To protect agricultural areas for agricultural and resource uses, and enhance the agricultural economy within the Township;
- h) To establish boundaries between settlement areas and agricultural areas by defining settlement edges and discouraging urban uses in the agricultural areas;
- i) To create attractive, functional and livable settlement areas that reflect the character of the Township;
- j) To preserve and enhance wherever possible the distinctive identity and character of the settlement areas within the Township, while accommodating expected growth over the planning horizon of this Plan;
- k) To provide an adequate supply and diversity of housing types in appropriate locations within settlement areas; and
- l) To promote tourism in the Township which would facilitate appropriately located and scaled commercial and recreational opportunities.

### 2.2 Resource Planning Objectives

- a) To protect and enhance natural heritage features, functions and resources;
- b) To protect the long term potential for mineral and petroleum resource extraction;
- c) To protect the Township's natural heritage resources, agricultural land base, water supply, cultural and archaeological resources and provide for the wise use and protection of these uses over the long term;
- d) To reduce the risk to public safety and to property by directing development away from natural hazard lands including flooding and unstable slopes; and
- e) To provide a planning policy framework which broadly addresses the potential impacts of climate change.

### 2.3 Land Use Planning Objectives

- a) To minimize the potential for future land use conflict;

- b) To provide for a mix of uses within settlement areas which allow for a range of development opportunities;
- c) To provide for a range of rural and agricultural development opportunities which help to support a vibrant economy;
- d) To provide guidance for attractive built form;
- e) To promote efficient, cost effective development and land use patterns to minimize land consumption, reduce servicing costs; and
- f) To encourage intensification and brownfield redevelopment within settlement areas.

## 2.4 Infrastructure Objectives

- a) To provide an efficient, well-connected and safe transportation network for moving people and goods;
- b) To support and promote active transportation;
- c) To provide guidance for the sustainable expansion of infrastructure in accordance with the Town's growth management strategy; and
- d) To provide opportunities for green infrastructure development.

## 2.5 Implementation Objectives

- a) To provide guidance for how the policies of the Official Plan are to be implemented;
- b) To provide a planning policy framework for decision-making which is transparent, efficient and effective;
- c) To support and encourage communication and consultation with the community, stakeholders and investors;
- d) To support and facilitate proactive dialogue with Indigenous communities; and
- e) To provide a policy framework which supports collaboration with neighbouring municipalities, the County of Elgin and other government agencies.

# 3 GENERAL POLICIES

## 3.1 Growth Forecast

### 3.1.1 Time Horizon for Official Plan

The Official Plan is intended to provide planning guidance for a planning period of up to approximately 25 years. This Official Plan has been prepared up to 2041 time horizon. It is intended that this Plan will be monitored, reviewed and amended as necessary to maintain its currency and usefulness.

### 3.1.2 Population Growth

The following population growth forecasts shall be used for the basis of long-range municipal planning, growth management and municipal infrastructure planning. **Table 3.1** describes the population forecast for the Township of Southwold between 2019 and 2041.

Table 3.1: Township of Southwold, 2041 Population Forecast	
Year	Population Including Undercount

2016	4,570
2019	4,800
2031	5,940
2041	6,640
<b>2019 to 2041</b>	<b>1,840</b>

Source: 2016 from Statistics Canada Census. Forecast by Watson & Associates Economist Ltd., 2019

### 3.1.3 Housing Growth

The housing growth forecast shall be used for the basis of municipal planning related to servicing, community facilities, parks and recreation space and other growth management sectors for serving the anticipated growth. **Table 3.2** describes the housing growth forecast for the Township of Southwold between 2019 and 2041.

Table 3.2: Township of Southwold, 2041 Housing Forecast	
Year	Housing (units)
2016	1,630
2019	1,730
2031	2,280
2041	2,780
2019 to 2041	1,050

Source: 2016 from Statistics Canada Census. Forecast by Watson & Associates Economist Ltd., 2019

### 3.1.4 Employment Growth

The Township's employment forecast is illustrated in **Table 3.3** below.

Table 3.3: Township of Southwold, 2041 Employment Forecast	
Year	Jobs
2016	1,520
2021	1,560
2031	1,680
2041	1,770
2016 to 2041	250

Source: 2016 from Statistics Canada Census. Forecast by Watson & Associates Economist Ltd., 2019

## 3.2 Growth Strategy

### 3.2.1 Vision for Growth

The majority of the Township's future growth will be directed to the settlement areas of Talbotville, Shedden, Fingal and North Port Stanley where there is access and availability or planned access of municipal sewage services and municipal water services.

### 3.2.2 Settlement Areas

#### 3.2.2.1 Municipal Structure

Schedule 1 shows the Municipal Structure of the Township, illustrating the location of the larger Settlement Areas, Hamlets and the Agricultural Area.

#### 3.2.2.2 Settlement Area Hierarchy

The Settlement Areas of Talbotville, Shedden, Fingal and North Port Stanley will accommodate the greatest amount of growth and maintain the highest concentration in residential, industrial and commercial development. Historically, these four Settlement Areas have seen the major of new development in the Township. Talbotville is planned to be the focus of future housing, employment and urban development opportunities given the availability of full municipal services and land in the Settlement Area. Shedden, Fingal and North Port Stanley remain important areas and are intended to be a secondary focus for growth, providing a diversity of housing types. Both Shedden and Fingal have opportunities for growth and are expected to grow through infilling and uptake of remaining greenfield lands (on full municipal services where services are extended in alignment the infrastructure policies of this Plan). North Port Stanley which has a number of natural environment constraints is expected to see a modest amount of developmental growth on partial services for infilling and minor rounding out of existing development and would require full municipal services or private communal services for new development.

#### 3.2.2.3 Development in Settlement Areas

Full municipal sewage and water services are the preferred form of servicing in the Settlement Areas. New development in Settlement Areas is intended to take place on full municipal services where possible. If such services are not available, Council may consider development which uses alternate, interim services, where it can be justified in accordance with the policies of Section 6.2 of this Plan. Proponents may be required to prepare an Interim Servicing Study as described in this Plan. The Township recognizes a hierarchy of servicing and may consider the use of municipally or privately owned and operated communal systems for new development, individual on-site private systems and partial municipal services for infilling and minor rounding out of existing development.

#### 3.2.2.4 Settlement Area Expansions

At the time that this Plan was prepared it was determined that there is a sufficient supply of land within the settlement areas to accommodate the 2041 growth forecast and that there was no need for settlement area expansions. The current settlement area boundaries are shown on Schedule 1 (with additional details depicted on Schedule 4A-4E). Future settlement area expansions shall only be considered through a municipal comprehensive review which examines the following:

- a) The land capacity within the existing settlement areas to determine whether there is sufficient supply of land to accommodate future growth through greenfield and intensification development over the planning horizon;
- b) The availability of existing or planned infrastructure and public service facilities which are planned or available to accommodate growth;
- c) Infrastructure and financial implications of growth;
- d) Where an expansion is located in prime agricultural areas:
  - i. the lands do not comprise specialty crop areas;
  - ii. alternative locations have been evaluated and there are no reasonable alternatives which avoid prime agricultural areas and there are also no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
  - iii. the new or expanding settlement area is in compliance with the minimum distance separation formulae; and,
  - iv. impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.
- e) Implications for natural heritage features and/or any natural hazards.

### 3.2.2.5 Settlement Area Expansions outside of a Municipal Comprehensive Review

Notwithstanding Policy 3.2.2.4, the Township may permit adjustments of the Settlement Area boundaries outside a comprehensive review provided:

- a) There is no net increase of land within the Settlement Areas;
- b) The adjustment would support the Township's ability to meet growth, intensification and redevelopment targets;
- c) Prime agricultural areas are addressed in accordance with 3.2.2.4 d) and e); and,
- d) The Settlement Area to which lands would be added can be appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

### 3.2.3 Hamlets

The Township has seven small hamlets including Frome, Iona, Iona Station, Middlemarch, Lawrence Station, Paynes Mills and Southwold Station (see Schedule 4E). Given the limited availability of full services, future growth will be limited to small scale infilling and redevelopment within the Hamlets. Hamlets do not have full municipal services, nor the expectation of that full services will be provided in the future. Partial services are permitted to address a need and/or failure of private sewage and water services on existing lots. Hamlets are planned to maintain their historic communities' character through architectural details and features through infilling or minor rounding out of existing development. Refer to Section 5.3 for additional details.

### 3.2.4 Agricultural Area

In general, the Agricultural Area is inclusive of all lands outside Settlement Areas and Hamlets. The Agricultural Area is characterized primarily by agriculture and clusters of development of insufficient size and variety of uses, to warrant designation as Rural Settlement Areas. Any new servicing shall be through individual on-site sewage services and individual on-site water services, or by municipal water services, provided that such development is consistent with natural heritage and resource protection policies and does not increase the overall density in the Agricultural Area. Additional policies for guiding development within the Agricultural Area are provided in Section 5.1 of this Plan.

### 3.2.5 Intensification

#### 3.2.5.1 General Intensification

The Township encourages intensification within its four Settlement Areas and seven Hamlets. All new intensification may be permitted where such development would constitute minor infilling or rounding out of existing development within the Settlement Area or Hamlet boundaries.

#### 3.2.5.2 Intensification Target

Intensification is the development of a property, site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield and greyfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

The Official Plan intensification target is 10%, recognizing that the majority of future growth is expected to occur on greenfield lands within the Settlement Areas.

### 3.2.6 Greenfield Areas

Areas of Greenfield development shall take the form of extensions to the existing built-up area subject to the policies in Section 5 of this Plan. Development in Greenfield Areas shall require a phasing plan based on the extension of municipal services and utilities.

### 3.2.7 Housing Supply

A minimum of 15-year supply of land shall be designated for residential purposes at all times to accommodate future housing needs. The Township will also maintain a minimum of a 3-year supply of land with servicing capacity for residential units in draft approved or registered plans.

### 3.2.8 Employment Lands

#### 3.2.8.1 Employment Land Supply

At the time that this Plan was prepared it was determined that the Township has sufficient supply of vacant employment lands to accommodate future employment growth. The Township will maintain a sufficient supply of employment lands to provide opportunities for a variety of economic development opportunities. The Township's employment lands are mainly located in Talbotville as well as Shedden. Refer to Schedules 4A and 4B for additional details.

#### 3.2.8.2 Conversion of Employment Lands

Any proposal to convert lands within a designated Employment Area to another type of land use will only be considered through a Municipal Comprehensive Review which demonstrates:

- a) the land is not required over the long term;
- b) there is a need for the conversion;
- c) there is sufficient supply of employment lands to accommodate employment growth;
- d) there is existing or planned infrastructure and public service facilities to accommodate the proposed use;

- e) the proposed use meets the interest of the public in the long and short-term, rather than employment uses; and
- f) the land use is compatible.

### 3.3 Economic Development

The Township is located in close proximity to the City of London and the City of St. Thomas, with direct access to Provincial Highway 401. This Plan encourages forms of development which will expand the economic development of the Township, improve the Township's fiscal position and positively contribute toward the development of a balanced community through local employment opportunities.

#### 3.3.1.1 Commercial and Industrial Economic Development

Council will actively encourage the development of new and expanded commercial and industrial operations within the Township. The Township, in cooperation with Elgin County and other jurisdictions, will pursue the development of industrial and mixed industrial/ commercial uses in the Talbotville industrial area where there is access to full municipal services. Council will encourage the establishment of commercial and industrial uses which support and enhance the agricultural sector of the Township's economy.

#### 3.3.1.2 Siting of Commercial and Industrial Economic Development

New and expanded commercial and industrial development are to be located in the Industrial and Commercial designations within Settlement Areas to optimize the benefits of location, servicing, and to minimize impact on agriculture. Council will ensure a supply of lands designated for commercial and industrial use to adequately meet the anticipated requirement over the planning period. Council will encourage the efficient use of commercial and industrial land. The use of large lots by small operations will be discouraged unless there is a need for future expansion. Refer to the policies of section 5.2.3 and 5.2.4 for additional details on Industrial and Commercial permissions.

#### 3.3.1.3 Employment Areas

The Township's Employment Areas are located in the Settlement Areas of Talbotville and Shedden and are designated as Industrial. The supply of Employment land in the Township will be reviewed periodically through the Municipality's Municipal Comprehensive Review to ensure that there is an appropriate amount of designated land to meet the Municipality's long term planning needs. A significant supply of vacant employment land is located in Talbotville, with a portion of it containing Ford's former St. Thomas Assembly Plant site on Sunset Drive. The expectation of the Township is that this site will be redeveloped for employment purposes and the Township supports the rehabilitation and redevelopment of this strategic site for employment purposes.

#### 3.3.1.4 Employment Area Protection

Conversion of Employment Areas may only be permitted through a Municipal Comprehensive Review where it is demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. Notwithstanding the above, the Township may permit the conversion of Employment Areas where it can be demonstrated that:

- a) There is a need for the conversion and the lands are not required for the employment purposes over the long term;
- b) The proposed uses would not adversely affect the overall viability of the broader employment area;
- c) Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

### 3.3.1.5 Collaborative Economic Development

Council will work in conjunction with neighbouring municipalities and the County in order to give focus and direction to its economic development efforts. Where appropriate, the Township will coordinate its economic development efforts with Elgin County and other municipalities within the County. Council will protect the City of Toronto waste disposal facility from incompatible land uses and will encourage the development of complementary land uses. In pursuing economic development, Council, at all times, ensure that the costs associated with development are within the Township's financial capabilities, and that there are no undue social or environmental costs.

### 3.3.1.6 Land Use Considerations

The Township will encourage the reuse of vacant industrial buildings and the redevelopment of vacant industrial sites. Council will work to ensure that the physical needs of business are addressed, ensuring that:

- a) A diversity of zoned and ideally serviced sites are available to support a range of industrial and service activities;
- b) Settlement areas are adequately served by telecommunication facilities; and
- c) Industrial areas are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors.

### 3.3.1.7 Infrastructure Considerations

The Township will promote the installation, maintenance and improvement of modern infrastructure systems including roads and railways, pipelines, and telecommunications networks to service existing and future employment.

### 3.3.1.8 Agricultural System

The Township's agricultural system is comprised of inter-connected elements that collectively create an important component of the Township's economy. The Agricultural system includes all prime agricultural areas and rural lands, as well as the supporting agri-food network and associated infrastructure which are essential to the success and vibrancy of the sector. Section 5 of this Plan provides additional guidance for the agricultural system, including opportunities for economic development, including guidance for agricultural uses, agricultural-related uses, on-farm diversification and agri-tourism.

## 3.4 Housing

The Township is part of a larger regional market area and should support meeting the needs, affordability and preferences of residents in a manner which is compatible with the scale of the existing

communities and commensurate with the services required to support it. The Township will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers. The Township may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan.

### **3.4.1 Affordable Housing**

#### **3.4.1.1 Affordable Housing Defined**

Affordable housing is defined as the least expensive of housing for which the purchase price results in annual accommodation cost which does not exceed 30 percent of the gross annual household income for low and moderate income households, or housing which is priced 10% below the average purchase price of a resale unit in the regional market area. When rental housing is considered part of, or the entirety of a new development, affordable housing will be defined as that which is rented below the average market rent in the regional market area.

#### **3.4.1.2 Affordable Housing Target**

The Township shall encourage all new residential and mixed use development in settlement areas and hamlets, to include a target of 20% affordable housing units or dwelling. This target shall be calculated as affordable based on the definition in Section 3.4.1.1 and applied to the entirety of the development. The Township's 2041 housing demand is 1050 residential units, which requires the Township to provide approximately 210 new affordable housing units by 2041.

#### **3.4.1.3 Affordable Housing Target Achievement**

To support affordable housing, the Township will work collaboratively with the private sector by encouraging residential intensification, a mix of tenure types and mix of housing typologies/built form. The Township may also consider additional tools, including but not limited to Community Improvement Plan incentives and alternative development standards.

### **3.4.2 Secondary Dwelling Units**

The Township recognizes secondary dwelling units as an important component to support affordable housing options. Secondary dwelling units are permitted as-of-right within the land use designations of: Agricultural areas, Settlement Areas and Hamlets, refer to the policies of Section 5.1, Section 5.2 and Section 5.3. Site Plan control is required for all secondary dwelling units.

## **3.5 Land Use Compatibility**

New development shall be compatible with adjacent land uses and have regard for the Ministry of Environment Land Use and Compatibility Guidelines (D-6 Guidelines).

### **3.5.1 Sensitive Uses**

Residential areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to perform noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Township and the Province.

### 3.5.2 Major Facilities

Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance is not possible planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

### 3.5.3 New Development Compatibility

All site designs of new developments must provide a development plan that demonstrates the scale of the development and/or addition or expansion is compatible with the character of the area, incorporates appropriate buffering in accordance with the Zoning By-law and ensure no adverse impact on views and shadowing, when applicable.

## 3.6 Climate Change

The Township recognizes the importance of providing a strong policy framework for addressing the impacts of a changing climate. Impacts of a changing climate refers to the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability. The Township's approach includes objectives and actions to mitigate greenhouse gas emissions and provide for adaptation to a changing climate including through increasing resiliency. The Township's approach to climate includes the following, but is not limited to:

- a) Implementing a hierarchy of settlement areas, where future growth and development is compact and concentrated in a few locations so as to preserve the agricultural land base and reduce the potential for commuting (refer to Section 3.2 for additional details);
- b) Protecting important natural heritage features and functions (refer to Section 4.1);
- c) Restricting development within known hazards areas, including shoreline areas which may be subject to erosion, wave uprush and flooding, as well as riverine flood hazards and areas with unstable slopes (refer to Section 4.2);
- d) Supporting and promoting opportunities for complete streets and active transportation infrastructure (refer to section 6.1);
- e) Integrating when possible the planning of stormwater, sewage and water services for optimization, feasibility and financial viability of systems and to prepare for the impacts of a changing climate (refer section 6.2);

- f) Promoting and supporting opportunities for energy conservation and the production of alternative and renewable energy systems (refer to section 6.5); and,
- g) Promoting green development and infrastructure standards (refer to section 6.8).

In an effort to reduce greenhouse gas emissions, the Township will:

- h) Promote settlement areas structure and active transportation network;
- i) Support any efforts by the County on specific initiatives to reduce greenhouse gas emissions;
- j) Collaborate and implement any objectives of a climate change action plan or related plan; and
- k) Contribute to carbon capture strategies and actions through tree planting and enhancing and protecting tree cover.

# 4 ENVIRONMENT AND RESOURCE POLICIES

## 4.1 Natural Heritage

### 4.1.1 General Policies

#### 4.1.1.1 Natural Heritage Features

Natural Heritage Features are to be protected for the long term and include: Significant Wetlands, Significant Coastal Wetlands, Significant Habitat of Endangered Species and Threatened Species, Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Fish Habitat, and Significant Areas of Natural and Scientific Interest. Known Natural Heritage Features within the Township include Provincially Significant Wetlands, Areas of Natural and Scientific Interest and Significant Woodlands. For the purpose of this plan, all woodlands equal or greater than 4 hectares in size are considered significant. All Natural Heritage Features are intended to be in alignment with the County of Elgin Official Plan (2013). Should the County update the Natural Heritage Feature policy or mapping, this Plan will incorporate updates during the appropriate review.

#### 4.1.1.2 Ecological Diversity and Connectivity

The diversity and connectivity of Natural Features in the Township and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

#### 4.1.1.3 Location of Natural Heritage Features

Natural Heritage Features are identified on Schedule 2 of this Plan.

#### 4.1.1.4 Significant Habitat of Endangered Species and Threatened Species

The Significant Habitat of Endangered Species and Threatened Species is not shown on Schedule 2. Species at risk and their habitat are protected under the *Endangered Species Act* (ESA) and are identified on the Species at Risk in Ontario List. Where required, Environmental Impact Studies in accordance with Policy 4.1.4 of this Plan or other applicable planning reports/studies will be used to identify the extent of the habitat of endangered species and threatened species.

#### 4.1.1.5 Updates to Natural Heritage Features Mapping

The boundaries of the Natural Heritage Features depicted on Schedule 2 are intended to provide guidance on the location of known Natural Heritage Features in the Township based on the most up to date information. The mapping on Schedule 2 is not intended to limit the existence of other Natural Heritage Features. As newer more up to date mapping becomes available the Township will update the mapping in Schedule 2 and the implementing Zoning by-law as required.

#### 4.1.1.6 Minor Adjustments to Natural Heritage Features Mapping

Minor adjustments to the boundaries of the Natural Heritage Features may be permitted without an Amendment to the Official Plan, where an Environmental Impact Study has been prepared and completed to the satisfaction of the Township and applicable Conservation Authority. Refer to Policy 4.1.4 for additional details on Environmental Impact Studies.

#### 4.1.1.7 Natural Heritage Features Net Gain

Where appropriate the Township may be open to net gain opportunities for natural heritage features to assist with achieving the County's goal of no net loss and striving for improvements to existing natural heritage coverage within the Township.

### 4.1.2 Development and Site Alteration

#### 4.1.2.1 Permitted Uses in Natural Heritage Features

Permitted uses on lands identified as Natural Heritage Features include open space uses, conservation uses, forestry uses, fish and wildlife management uses, passive outdoor recreational uses and existing agricultural uses. Marine facilities, such as docks and boat ramps may also be permitted.

#### 4.1.2.2 Development in Natural Heritage Features and Areas

Any development or site alteration proposed within Natural Heritage Features and Areas must be assessed under the *Endangered Species Act* (ESA). The landowner shall request a review under the ESA from the Ministry of Environment, Conservation and Parks (MECP), prior to beginning site alteration and/or conducting ESA surveys. The MECP will review available ESA data to determine if ESA species are known or likely to occur on the property. If ESA species are known to occur the landowner may be required to engage a qualified biologist to determine if the proposed development may contravene the ESA. Project screening through an Information Gathering Form would be needed to initiate a project screening request after which MECP would provide a response indicating that contravention under the ESA is not likely to occur or contravention under the ESA is likely to occur with recommended options for seeking approval. No development or site alteration shall be permitted until the landowner for the development or site alteration has provided the necessary documentation to the MECP.

#### 4.1.2.3 Development in Provincially Significant Wetlands and

Proposed development and site alteration shall not be permitted within lands identified as Provincially Significant Wetlands. Schedule 2 identifies the location of known Provincially Significant Wetlands.

#### 4.1.2.4 Development in Significant Habitat of Endangered Species and Threatened Species

Proposed development and site alteration shall not be permitted in Significant Habitat of Endangered Species and Threatened Species, except in accordance with provincial and federal requirements.

#### 4.1.2.5 Development in Significant Woodlands and Areas of Natural and Scientific Interest

Proposed development and site alteration within lands identified as Significant Woodlands and Areas of Natural and Scientific Interest will not be permitted unless it can be demonstrated that there will be no

negative impacts on the natural features or their ecological functions through the completion and approval of an Environmental Impact Study. Where development and site alteration within lands identified as Significant Woodlands and Significant Areas of Natural and Scientific Interest are being proposed, the Township will consult with the appropriate Conservation Authority, the County and the Province (where required) regarding the scope of the Environmental Impact Study.

#### 4.1.2.6 Development Adjacent to Natural Heritage Features

Adjacent lands are the lands contiguous to a natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or their ecological function. Where permitted in the policies of this plan, proposed development and site alteration adjacent to Natural Heritage Features identified on Schedule 2 are required to demonstrate that there will be no negative impacts on the natural feature or its ecological functions through the completion of an Environmental Impact Study. The landowner shall request *Endangered Species Act* (ESA) information from the Ministry of Environment, Conservation and Parks (MECP) - Aylmer District, prior to beginning site alteration and/or conducting species at risk surveys and follow the prescribed steps of section 4.1.2.2. Where development and site alteration adjacent to Natural Heritage Features and Areas is proposed, the Township will consult with the appropriate Conservation Authority, the County and the Province, as required. The Township will use the setbacks in Table 4.1 to determine the need for an Environmental Impact Study:

Table 4.1: Guidance for Assessing Impacts on Natural Heritage Features	
Natural Heritage Feature	Adjacent Lands (meters)
Provincially Significant Wetland	120 metres
Significant Woodlands	120 metres
Significant Wildlife	120 metres
Significant Habitat of Endangered Species and Threatened	120 metres
Provincially Significant Areas of Natural Scientific Interest – Earth Science	50 metres
Provincially Significant Areas of Natural and Scientific Interest – Life Science	120 metres
Significant Valleylands	120 metres
Fish Habitat	120 metres

### 4.1.3 Watercourses

#### 4.1.3.1 Watercourse Protection

Development in and adjacent to watercourses is regulated by two Conservation Authorities in the Township – Kettle Creek Conservation Authority and Lower Thames Valley Conservation Authority and depending on the presence of fish habitat, the federal Department of Fisheries and Oceans. The policies of this Official Plan are intended to complement the regulatory function under the *Conservation Authorities Act* and the *Fisheries Act*. The Township's watercourses are depicted on Schedule 3. All

watercourses in the Township are considered to be of significance since they often have multi-dimensional functions, as they transport water sediment and energy and also provide storage for drainage and flooding. They are living systems, providing habitat for fish, amphibians, invertebrates, birds, plants and other species. They also provide opportunities for recreation, education and tourism.

#### 4.1.3.2 Development Adjacent to a Watercourse

Proposed development and site alteration adjacent to a watercourse shall ensure that there are no negative impacts on fish habitat and adverse effects for stormwater management (quality/quantity) are addressed. The following principles will apply to any proposed development adjacent to a watercourse in the Township:

- a) Natural stream bank vegetation should be maintained;
- b) Grassed slopes and other native vegetation, or other suitable erosion control methods, should be introduced and should be maintained on the banks of watercourses;
- c) Construction of tile outlets should not contribute to erosion along watercourses;
- d) Tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the “biological corridor” role of watercourses;
- e) Interim measures to protect the watercourse from erosion and sedimentation during construction are incorporated; and
- f) An appropriate setback for all development from the top of bank, and outside of the flood plain / ravine system, of watercourses will be required in order to prevent erosion, reduce the loss of flood storage capacity improve water quality, enhance wildlife corridors and protect fish habitat, in addition to protecting the development from flooding and slope instability.

Approval from the appropriate Conservation Authority is required for any development on or adjacent to a watercourse.

#### 4.1.3.3 Protection of Fish Habitat

Development and site alterations shall not be permitted within fish habitat, except in accordance with federal requirements. If it is determined that the development has the potential to impact fish habitat, the proponent is required to consult with the appropriate Fisheries and Oceans Canada to determine whether permitting and/or approvals are required.

### 4.1.4 Environmental Impact Studies

#### 4.1.4.1 Environmental Impact Studies

Where the policies of this Plan require that an Environmental Impact Study be prepared, the Environmental Impact Study must be undertaken by qualified professionals and prepared in accordance with the policies contained in Appendix 1 of this Plan. Where the policies of this Plan require that an Environmental Impact Study be prepared, the Township will consult with the appropriate agency regarding the scope of the Environmental Impact Study. The Township reserves the right to have an Environmental Impact Study peer reviewed at the cost of the applicant.

#### 4.1.4.2 Exemptions from an Environmental Impact Studies

In instances where there is a low likelihood that the proposed development will have a negative impact on the Natural Heritage Feature or Area, the Township in consultation with any appropriate agencies may waive the requirement for the Environmental Impact Study.

#### 4.1.4.3 Engagement of Conservation Authorities

A Service Agreement with the appropriate Conservation Authority and Township needs to be developed and executed prior to the Conservation Authority engagement with the development of an Environmental Impact Study to address natural heritage policy requirements.

### 4.1.5 Preservation and Enhancement

#### 4.1.5.1 Identification of Natural Heritage Features

The Township encourages the identification, preservation, and enhancement of natural heritage features that are not identified on Schedule 2. The Township will work with public stakeholders to identify natural features and areas. Natural features may include rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and other wildlife habitat.

#### 4.1.5.2 Establishing Natural Corridors

The Township encourages the connectivity of Natural Heritage Features through a system of natural corridors. Connectivity between and among natural heritage features and areas, surface water features and ground water features will be maintained, restored or, where possible, enhanced.

#### 4.1.5.3 Preservation of the Lakeshore Area

The Lake Erie Shoreline area provides natural habitat and linkages for flora, fauna, fish and wildlife. Land use decisions shall have regard for the importance of the Lakeshore Area as natural habitat for flora, fauna, fish, and wildlife. The need to preserve significant natural heritage features and natural linkages and corridors for wildlife and the enhancement of natural heritage systems will be considered.

#### 4.1.5.4 Tree Protection

The County of Elgin Woodlands Conservation By-law regulates the removal of trees within the Township. Proposed development and site alteration shall prevent the removal of any trees to the extent possible. If a tree must be removed, trees of a similar species with sufficient maturity shall be planted within a reasonable timeframe following tree removal. The applicant must consult with the County prior to the removal of any trees.

#### 4.1.5.5 Tree Saving Plan

The Township may require development applications within or adjacent to wooded areas to include a Tree Saving Plan. The Tree Saving Plan shall:

- a) Contain an inventory of existing tree species and condition;
- b) Indicate the impact of development on existing trees and the wildlife habitat that they provide;
- c) Indicate measures necessary to reduce the negative effect of development;

- d) Indicate the trees to be removed and ensure the preservation of the remaining trees;
- e) Indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free-to-grow stage;
- f) Be included in the development agreement;
- g) Incorporate the requirements of an Environmental Impact Study if the wooded area is part of a Significant Woodland; and
- h) Have regard for the requirement of the County of Elgin Woodlands Conservation By-law.

## 4.2 Natural Hazard Lands

### 4.2.1 General Policies

#### 4.2.1.1 Consideration for a Changing Climate

One important element to managing the risks around a changing climate is to maintain up to date mapping of natural hazards to minimize risks to the public's health and safety, property damage and other impacts of a changing climate. The Township will work with the County and Conservation Authorities to ensure all guidelines and plans related to natural hazard lands are kept up to date.

#### 4.2.1.2 Components of Natural Hazard Lands

Natural Hazard Lands identified in the Township include hazardous lands that are subject to flooding hazards, erosion hazards and dynamic beach hazards. The Lake Erie Shoreline presents potential natural hazards that are unique to the lake and land interface. The Lake Erie Shoreline in the Township consists mostly of bluffs, which are susceptible to erosion and slumping resulting from wind and wave action from the lake. The Thames River, associated flood plain, natural watercourses and associated ravine systems (e.g. Talbot Creek and tributaries) also presents potential natural hazards that are unique to the river and land interface.

#### 4.2.1.3 Location of Natural Hazard Lands

Schedule 3 of this Plan is intended to provide guidance on the location of lands that have the potential to be hazardous lands. Technical studies prepared by qualified professionals may be required to define the extent of the actual hazard lands in consultation with the Township and appropriate Conservation Authority.

#### 4.2.1.4 Updates to Natural Hazard Lands Mapping

The boundaries of Natural Hazard Lands depicted on Schedule 3 are intended to provide guidance on the location of known hazardous lands. The mapping depicted on Schedules 3 is not intended to limit the existence of other Natural Hazard lands which have not been mapped. Where detailed mapping of hazardous lands and hazardous sites becomes available, the Township will work with the appropriate Conservation Authority and Ministry to incorporate updates to the mapping in this Official Plan and the implementing Zoning By-law.

#### 4.2.1.5 Direct Development Away from Hazardous Lands

Development shall be directed away from areas identified as hazardous lands as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Township.

#### 4.2.1.6 Development on Hazardous Lands

Development and site alteration is not permitted in areas that would be inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access and egress appropriate for the nature of the development and the natural hazard.

#### 4.2.1.7 Uses Not Permitted on Hazardous Lands

Development and site alteration is prohibited on hazard lands and hazardous sites for institutional uses associated with hospitals, nursing homes, pre-school, nurseries, daycare, schools, essential emergency service, electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

#### 4.2.1.8 Development of Accessory Buildings, Structures and Uses

The Zoning By-law will determine the permitted types, sizes and locations of accessory buildings, structures and uses within the erosion hazard area in consultation with the applicable Conservation Authority.

### 4.2.2 Lake Erie Shoreline Hazard

#### 4.2.2.1 Shoreline Management Plan

The Lake Erie shoreline within the Township, is predominately within the Kettle Creek Conservation Authority's jurisdiction. The most up to date Shoreline Management Plan for the Kettle Creek watershed shall be used for guiding Township decision making along the Lake Erie shoreline. The Township is located along the Lake Erie shoreline as defined in the 2015 Elgin County Shoreline Management Plan. The Lake Erie shoreline presents potential hazards that are unique to the lake/land interface.

#### 4.2.2.2 Land Use Decision along the Lake Erie Shoreline

The Township will consult with the Kettle Creek Conservation Authority prior to making any land use decisions along the Lake Erie shoreline. Development and site alteration which has the potential to negatively impact an existing hazard or create a new hazard is prohibited.

#### 4.2.2.3 Site Plan and Other Agreements along Lake Erie Shoreline

Property owners along the Lake Erie Shoreline may be required to enter into a site plan and/or development agreement with the Township should reconstruction or relocation of existing buildings/structures already located within such hazardous lands be desired.

#### 4.2.2.4 Shoreline Development

The shoreline management plans prepared for the Lake Erie shoreline within the Township of Southwold have determined that the 100 year recession rates for the high bluff reaches are severe based on Provincial standards. The average annual recession rate for this reach of shoreline is 1.6m/yr. Proposed development within the Shoreline Erosion Hazard Limits shall require a permit from the Conservation Authority and may not be permitted depending on potential risks to property, human health and safety.

#### 4.2.2.5 Relocation of Existing Buildings

The relocation of a dwelling within hazardous lands is permitted provided the dwelling is relocated outside or as far from the hazard as possible and there is no increase in size or structural alteration other than a new foundation. The Technical Guide for Great Lakes – St. Lawrence River Shorelines, Appendix A7.2 – Existing Development Within the Hazardous Lands should be referenced for the minimum requirements and considerations.

#### 4.2.2.6 Setback Requirements

Reductions in required yard setbacks shall be permitted for the purpose of increasing the setback from a hazard. The degree of reduction shall take into consideration the character of the area, setbacks from utilities and hazards related to proximity to the street.

#### 4.2.2.7 Engineering and Geotechnical Studies on Unstable Lands

Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a watercourse or slope, the proponent will consult with the Township and the appropriate Conservation Authority having jurisdiction regarding the need for geotechnical or engineering studies.

#### 4.2.2.8 Engineering and Geotechnical Studies outside Unstable Lands

Where slope stabilization, development or redevelopment is proposed outside regulated areas, the Township may consult with the appropriate Conservation Authority at its own discretion regarding the need for geotechnical or engineering studies.

### 4.2.3 Flooding Hazard

#### 4.2.3.1 One Zone Concept

The Flood Hazard Limit for watercourses is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the appropriate Conservation Authorities.

#### 4.2.3.2 Regulatory Flood Standards

The Township is within the jurisdiction of the Kettle Creek and the Lower Thames Valley Conservation Authorities. The Regulatory Flood Standard for the area under the Kettle Creek Conservation Authority jurisdiction is based on the Hurricane Hazel storm-centred event which occurred in 1954. The Regulatory Flood Standard for the area under the jurisdiction of the Lower Thames Valley Conservation Authority is based on the 1937 Thames River flood event.

#### 4.2.3.3 Development within Floodplain

Development within the floodplain is not permitted without written approval from the appropriate Conservation Authority having jurisdiction and in accordance with Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations which are administered by the relevant Conservation Authority.

#### 4.2.3.4 Existing Development within Floodplain

Any works or construction taking place within the floodplain must be in conformity with the policies of this Plan, the policies of the appropriate Conservation Authority, and will require a permit from the appropriate Conservation Authority.

#### 4.2.3.5 Supporting Studies for Existing Development within Floodplain

The preparation of engineering reports to determine the extent of the Flood Hazard Limit may be required in areas where no engineered floodplain lines exist. The cost of any required reports will be borne by the development proponent.

### 4.2.4 Dynamic Beach Hazard

#### 4.2.4.1 Development within the Dynamic Beach Hazard

Development and site alteration is not permitted within the dynamic beach hazard and wave uprush hazard zone in consultation with the appropriate Conservation Authority.

### 4.2.5 Unstable Lands

#### 4.2.5.1 Development on Unstable Lands

No new building or structure shall be permitted within the 100 year erosion allowance and the 3:1 stable slope allowance in consultation with the appropriate Conservation Authority.

#### 4.2.5.2 Development Adjacent to Unstable Lands

Proposed development adjacent to steep slopes, which includes the Lake Erie shoreline, or watercourse valleys will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined through a technical analysis by a qualified professional to the satisfaction of the Township and the appropriate Conservation Authority. The required development setback will reflect the degree, severity and extent of the hazard. The erosion hazard (slope setback) will be determined using an allowance for slope stability, an erosion allowance based upon the 100-year erosion rate, and an erosion access allowance. A minimum standard setback may be included in the implementing Zoning By-law.

## 4.3 Water Resources

### 4.3.1 General Policies

#### 4.3.1.1 Location of Water Resources

The Township is within 2 source water protection regions. The Thames, Sydenham and Region Source Protection covers the geographic area of Lower Thames Valley Conservation Authority and the Lake Erie Source Protection Region covers the geographic area of the Kettle Creek Conservation Authority.

The Thames, Sydenham and Region Source Protection Committee have mapped Significant Groundwater Recharge Areas Vulnerability and Aquifer Vulnerability through the Source Protection Plan approved on September 17, 2015 and are depicted on Map 1 and Map 2 of this Plan.

## Township of Southwold

### 2021 Official Plan:

The Lake Erie Source Protection Region have mapped Significant Groundwater Recharge Areas Vulnerability and Aquifer Vulnerability through the Source Protection Plan May 15, 2014 and are depicted on Map 3 and Map 4 of this Plan.

Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas have been identified in Source Water Protection Area Assessment Reports as being vulnerable to contaminants.

#### 4.3.1.2 Updates to Water Resources Mapping

The Water Resources depicted on Maps 1 to 4 are intended to provide guidance on the location of Significant Groundwater Recharge Areas based on Provincial mapping. The mapping depicted on Maps 1 to 4 is not intended to limit the existence of other aquifers and groundwater recharge areas or possibly an Intake Protection Zone. The Official Plan and Implementing Zoning By-law will be amended as required.

Changes to the extent of aquifers and groundwater recharge areas or an Intake Protection Zone will be reflected on Source Water Protection Schedules to be incorporated as part of the Official Plan. For the benefit of the reader, these vulnerable areas have been generally identified on Maps 1 to 4 of this Plan. This mapping is intended to reflect the mapping in the approved Source Protection Plan and Assessment Report which may be revised or updated from time to time without the need for an amendment to this Plan. In the case of a discrepancy, the mapping in the most recently approved Source Protection Plan and Assessment Report shall take precedence.

#### 4.3.1.3 Protection of Water Resources

Proposed development and site alterations should consider the cumulative impacts of a proposed development within and across watersheds.

#### 4.3.1.4 Protection of Groundwater and Surface Water Features

Groundwater features and surface water features and their related hydrologic functions must be protected, improved or restored to promote public health and to address the current and future needs of residents, businesses and the natural environment.

#### 4.3.1.5 Watershed and Subwatershed Management Plans

To the extent feasible, the Township will support Conservation Authorities in the preparation and implementation of watershed and subwatershed management plans, including those that extend beyond the municipal boundaries.

#### 4.3.1.6 Watershed Forest Cover

The Township encourages achievement of a 30% forest cover in a watershed to support bio-diversity, and the overall health of the watershed. .

## 4.3.2 Groundwater and Surface Water Protection

### 4.3.2.1 Development On or Adjacent to Significant Groundwater and Surface Water Features

Development and site alterations within or adjacent to significant groundwater features and significant surface water features are discouraged. Proposed development and site alteration must demonstrate that the quality and quantity of significant groundwater features and significant surface water features will not be negatively impacted prior to the approval of a development application. Mitigative measures or alternative development approaches may be required to demonstrate how the quality and quantity of significant groundwater features and significant surface water features is protected.

### 4.3.2.2 Development in High Aquifer Vulnerability Areas

The Township discourages the development of new industrial uses and accessory industrial uses on lands designated High Aquifer Vulnerability Areas, as depicted on Maps 2 and 4 of this Plan. Industrial uses permitted will generally be non-noxious industrial uses within enclosed buildings.

### 4.3.2.3 Groundwater Impact Assessments

Depending on the level of susceptibility and potential groundwater contaminants, the Township may require that a groundwater impact assessment be completed as part of the development approval process.

### 4.3.2.4 Private Water Sources

Most lands within the Township have access to municipal drinking water sources. Planning applications that propose to make use of a private water source will be required to submit a detailed hydrogeological study to determine the suitability of the lands for groundwater extraction. The hydrogeological study will be prepared to the satisfaction of the Township and the appropriate Conservation Authority. Where new development is proposed on a site with an existing well, the applicant may only be required to submit a well study and drinking water test.

### 4.3.2.5 Permit to Take Water

A Permit To Take Water (PTTW), in accordance with the *Ontario Water Resources Act* is required from the Ministry of Environment where more than 50,000 litres a day of groundwater and surface water will be drawn.

### 4.3.2.6 Stormwater Management

The Township shall promote stormwater management practices that minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

### 4.3.2.7 Stormwater Management Facilities

The Township will require the use of stormwater management facilities downstream of new developments, where appropriate, to mitigate development impacts on stormwater quantity and quality and include provisions to protect groundwater recharge/discharge areas. The Township will promote naturalized and unfenced stormwater management facilities, constructed with gentle slopes.

The Township discourages the placement of proposed stormwater management facilities from occurring within or upon natural heritage and/or natural hazard area.

Applications for development will be required to be supported by a stormwater quality/quantity management study. The planning and design of stormwater facilities should be undertaken in accordance with the Ministry of the Environment's Stormwater Management Planning and Design Manual. Environmental Assessment and Certificate of Approval may be required from the Ministry of Environment in connection with stormwater management facilities and permits to take water.

### 4.3.3 Source Water Protection

#### 4.3.3.1 Source Water Protection

In accordance with the Clean Water Act, 2006 and Provincial Policy Statement, the Township will take measures to protect, improve and/or restore the quantity and quality of groundwater sources to secure long-term hydrologic stability, healthy aquatic habitat and safe drinking water supply.

#### 4.3.3.2 Wellhead Protection Areas

There are no Wellhead Protection Areas in the Township according to both the Lower Thames and the Kettle Creek Source Water Protection Assessment Reports.

#### 4.3.3.3 Drinking Water Supply

The Township's drinking water is supplied from the Elgin Area Primary Water Supply Treatment Plant located in Municipality of Central Elgin. The intake for the Water Treatment Plant is in Lake Erie. At this time, there are no Intake Protection Zones in the Township according to the Kettle Creek Source Protection Area Assessment Report and the Lower Thames Valley Source Protection Area Assessment Report

#### 4.3.3.4 Development Proposals

Development proposals or changes in use in these areas will require determination of their potential negative impact on the groundwater and appropriate mitigating measures imposed as a condition of approval.

#### 4.3.3.5 Livestock Operations

In the interest of protecting the quality of ground and surface waters, new or expanding livestock operations will satisfy the policies of this Plan.

#### 4.3.3.6 Intake Protection Zone

A future Intake Protection Zone may be identified in the Township, depending on the outcome of the Source Water Protection Plan process. The Township will consult with the appropriate Conservation Authority as information on an Intake Protection Zone becomes available. The Official Plan and Implementing Zoning By-law will be amended as required.

## 4.4 Mineral Aggregate Resources

### 4.4.1 General Policies

#### 4.4.1.1 Identification of Mineral Aggregate Resources

At the time of this Plan, there are no known mineral aggregate resource areas in the Township. The intent of the policies in this section is to provide guidance in the event the Township receives an application related to mineral aggregate resource extraction.

#### 4.4.1.2 Provincial Requirements

All resource extractive uses must satisfy the requirements of the Province as to water supply, disposal of liquid wastes, pumping operations, the control of air and noise pollution and vibrations where blasting is involved.

### 4.4.2 New Mineral Aggregate Operations and Associated Uses

#### 4.4.2.1 New Mineral Aggregate Operations on Lands Not Designated

Applications for the establishment of new mineral aggregate operations on lands not designated will require an amendment to both the Official Plan and Zoning By-law. Applications to amend the Official Plan and Zoning By-law must be supported with the following information:

- a) The location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
- b) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1,640 feet) of any of the boundaries of the lands to be used for the resource extraction operation;
- c) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
- d) Plans showing progressive grade changes, excavation setbacks, proposed buildings, changes to the drainage systems, access points, mineral storage areas, screening and berming and progressive rehabilitation of the site during the active life of the resource extraction operations; and
- e) The final rehabilitation and reuse of the site.

The above-noted information may be supplied by the proponent in an application for a license under the Aggregate Resource Act, a separate submission to the Township or a combination of both.

#### 4.4.2.2 Extraction Below the Water Table

Where extraction is proposed below the water table, the following criteria will be satisfied.

- a) A Permit To Take Water, in accordance with the *Ontario Water Resources Act* will be required from the Ministry of Environment where more than 50,000 litres a day of groundwater/surface water will be drawn. A hydrogeological study will be conducted for aggregate operations that intend to use groundwater resources to wash their aggregate and will use greater than 50,000 litres per day during this washing process;

- b) A Certificate of Approval from the Ministry of Environment may be required to treat and dispose of excess water;
- c) A substantial quantity of mineral aggregate is located below the water table warranting extraction below the water table;
- d) Other alternatives have been considered by the applicant and have been found unsuitable. Other alternatives include resources on land committed to future urban uses, and resources in the Agricultural Area where rehabilitation to agricultural uses is possible; and
- e) In those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized.

#### 4.4.2.3 Mineral Aggregate Operations on Lands in Agricultural Area Designation

Mineral aggregate extraction is permitted as an interim use on lands designated as Agricultural Area provided that the site will be rehabilitated back to an agricultural condition, where extraction is not below the water table.

#### 4.4.2.4 Mineral Extraction in Prime Agricultural Areas

In prime agricultural areas extraction of mineral aggregate resources will be supported by an agricultural impact assessment. Where possible, the assessment will provide guidance on how to maintain or improve connectivity of the agricultural system.

#### 4.4.2.5 Wayside Pits and Quarries, Portable Asphalt and Concrete Plants

The use of wayside pits and quarries, portable asphalt plants, and portable concrete plants on Municipal, County or Provincial road authority contracts will be permitted in all land use designations except Hazard Lands and Natural Heritage Features and Areas as identified on Schedule 2 and Schedule 3 of this Plan and areas where conflicts with existing developments would occur.

#### 4.4.2.6 Mineral Aggregate Operation Applications

Applications for a Mineral Aggregate Operation shall include a range of supporting studies which shall demonstrate impacts and recommend appropriate mitigation measures. Studies shall be prepared in coordination with the County and other applicable agencies. Study shall include the following (but are not limited to):

- a) Traffic Impact Study;
- b) Environmental Impact Study;
- c) Archaeological and Cultural Heritage Study;
- d) Stormwater Management and Hydrologic Study;
- e) Agricultural Impact Assessment;
- f) Visual Impact Assessment; and,
- g) Land Use Compatibility Assessment.

### 4.4.3 Rehabilitation

#### 4.4.3.1 Progressive and Final Rehabilitation

Progressive and final rehabilitation for mineral aggregate operations is required. Progressive and final rehabilitation shall accommodate subsequent land uses, promote land use compatibility, recognize the

interim nature of extraction, and mitigate negative impacts to the extent possible. Final rehabilitation of the operation must be compatible with the surrounding land use and approved land use designations.

#### 4.4.3.2 Rehabilitation Plan

The Township requires applications for new mineral aggregate operations to submit a rehabilitation plan to satisfy the requirements of the Province, the County, and the Township.

#### 4.4.3.3 Rehabilitation of Agricultural Lands

Where extraction takes place on agricultural lands, the lands shall be rehabilitated to an *agricultural condition*. Complete rehabilitation to an *agricultural condition* is not required if:

- a) There is a substantial quantity of mineral resource below the water table warranting extraction;
- b) The depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- c) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and
- d) Agricultural rehabilitation in remaining areas is maximized.

#### 4.4.3.4 Consideration of other Uses

Where agricultural rehabilitation is not required, other appropriate after uses, such as recreational uses may be considered in accordance with the policies of this Plan. Sites may also be rehabilitated to wildlife habitat using native species for vegetation. If a proposed use is not permitted in the Agricultural designation, an Official Plan Amendment will be required.

### 4.4.4 Recycling of Mineral Aggregates

#### 4.4.4.1 Aggregate Recycling Facilities

The Township permits the use of aggregate recycling facilities within licensed mineral aggregate operations provided the appropriate mitigation measures are implemented to minimize any potential adverse effects on surrounding land uses and the natural environment. Mitigation measures should address for off-site impacts related to views/vistas, dust, noise and other potential impacts associated with the operation.

#### 4.4.4.2 Use of Recycled Aggregates

The Township supports the recovery and recycling of manufactured materials derived from mineral aggregate resources for reuse in public work projects as a substitute for new mineral aggregate resources.

## 4.5 Petroleum Resources

### 4.5.1 General Policies

#### 4.5.1.1 Location of Petroleum Resources

There is one known Petroleum Resource pool in the Township of Southwold. The location of the Township's petroleum resources is shown on Schedule 6 of this Plan.

#### 4.5.1.2 Updates to Petroleum Resources Mapping

The mapping depicted on Schedule 6 is not intended to limit the existence of Petroleum Resources. The Township will consult with the Province as new mapping of Petroleum Resources becomes available. The Official Plan and implementing Zoning By-law will be amended as required.

#### 4.5.1.3 Management of Petroleum Resources

Petroleum resources shall be recognized and managed as non-renewable resources.

#### 4.5.1.4 Extraction of Petroleum Resources

The extraction of petroleum resources shall be permitted in accordance with the *Oil, Gas and Salt Resources Act* and associated regulations.

### 4.5.2 Existing Wells

#### 4.5.2.1 Proposed Development in Proximity to Existing Wells

Proposed developments shall be set back a minimum of 75 metres from existing wells and any associated works.

#### 4.5.2.2 Proposed Development in Proximity to Improperly Decommissioned Wells

Improperly decommissioned (plugged) wells or associated works discovered during the planning or implementing of a new developmental proposal shall be properly decommissioned in accordance with the *Oil, Gas and Salt Resources Act*, regulations and Provincial Operating Standards prior to any activity associated with a development continuing.

### 4.5.3 Decommissioned Wells

#### 4.5.3.1 Proposed Development On or Adjacent to Decommissioned Wells

Proposed development on or adjacent to lands with a decommissioned well and any associated works is only permitted if site rehabilitation has been completed and known hazards are appropriately mitigated.

### 4.5.4 Rehabilitation

#### 4.5.4.1 Rehabilitation of Wells

Rehabilitation and clean-up of wells is required after operations have ceased in accordance with the provision of the *Mining Act* and the *Oil, Gas and Salt Resources Act*, regulations, and Provincial Operating Standards. Progressive rehabilitation should be undertaken wherever feasible.

## 4.6 Cultural Heritage and Archaeological Resources

### 4.6.1 General Policies

#### 4.6.1.1 Maintain and Enhance our Cultural Heritage Resources and Landscapes

The Township supports the maintenance, preservation, and enhancement of the area's cultural heritage resources for the benefit of the community as a whole. Cultural heritage resources include buildings, structures, landscapes, monuments or artifacts of cultural heritage value or interest.

#### 4.6.1.2 Identifying Areas of Archaeological Potential

The Township may identify areas of archaeological potential through the use of Provincial screening criteria, or criteria based on known archaeological sites within the Township developed by a licensed archaeologist. The Township recognizes that there are precontact and historic archaeological sites, and areas containing archaeological potential within the Township.

#### 4.6.1.3 Establishing a Municipal Heritage Committee

Council may establish a Municipal Heritage Committee according to the *Ontario Heritage Act* to advise and assist Council on matters related to the Act and other matters of heritage conservation. The Heritage Committee shall identify and maintain a registry of possible heritage properties which would include properties of cultural heritage value or interest.

#### 4.6.1.4 Archaeological Management Plans and Cultural Management Plans

The Township supports the development of archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

#### 4.6.1.5 Provincial Requirements

The Township may utilize Parts IV and V of the *Ontario Heritage Act* to conserve cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts.

### 4.6.2 Development Within or Adjacent to Cultural and Archaeological Resources or Areas

#### 4.6.2.1 Development on Lands with Archaeological Resources or Areas of Archaeological Potential

Development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Proposed developments and site alterations on lands containing archaeological resources or areas of archaeological potential must submit an archaeological assessment. The Township may require the assessment prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports conducted by licensed archaeologists shall be in compliance with standards and guidelines set out by the Ministry of Heritage, Sport, Tourism and Culture Industries as well as licensing requirements developed under the Ontario Heritage Act.

#### 4.6.2.2 Development On or Adjacent to a Protected Heritage Property

Proposed developments and site alterations on or adjacent to protected heritage properties are required to provide a heritage impact assessment as part of the development approval process, demonstrating that the heritage attributes of the protected heritage property will be conserved.

#### 4.6.2.3 Marked or Unmarked Cemeteries

When an identified marked or unmarked cemetery is affected by land use development, the Ministry of Heritage, Sport, Tourism and Culture Industries and the Cemeteries Registrar Unit of the Ministry of Consumer Services shall be notified according to the provisions of the *Ontario Heritage Act* and the *Cemeteries Act* and those provisions shall apply.

### 4.6.3 Participation and Consultation

#### 4.6.3.1 Public Participation

The Township will encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage resources.

#### 4.6.3.2 Indigenous Consultation

The Township shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources..

#### 4.6.4 Marine Archaeological Resources

Within the Township boundaries, there may be marine archaeological resources, including the remains of boats, artifacts, docks and other items of cultural heritage value. Prior to approving a development proposal where there is a potential for marine archaeological resources, the Township shall require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Township and the Ministry of Heritage, Sport, Tourism and Culture Industries. Marine archaeological remains may currently be under water or were, at one time, under water but may no longer be submerged.

# 5 LAND USE POLICIES

## 5.1 Agricultural Area

### 5.1.1 Planned Function

The Agricultural Area in Southwold is part of a broader inter-connected system of elements which spans across the County of Elgin and southwestern Ontario more generally. This broader agricultural system is the foundation for Ontario's vibrant and thriving agricultural sector. Accordingly, lands designated as Agriculture are intended to support a broad range of economic development activities related to farming and include the following elements:

- a) Agricultural Uses;
- b) Agricultural Related Uses; and,
- c) On-Farm Diversified uses.

### 5.1.2 Agricultural Uses

#### 5.1.2.1 Permitted Uses

Agricultural uses have the highest priority in designated Agricultural Areas. Non-agricultural uses are discouraged and should be located in Settlement Areas, Hamlets or other appropriate designations to help preserve agricultural land and to prevent conflict between farm and non-farm uses. Permitted uses within Agricultural Areas include the following:

- a) Growing of crops, nurseries, biomass and horticultural crops, raising of livestock, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, apiaries, agro-forestry, maple syrup production and associated on-farm buildings and structure;
- b) Agricultural-related uses in accordance with policy 5.1.2.2;
- c) On-farm diversified uses in accordance with policy 5.1.2.3;
- d) Existing institutional uses and cemeteries;
- e) Petroleum resource exploration and extraction;
- f) Aggregate resource extraction;
- g) Forestry, conservation and open space uses;
- h) Limited residential uses in accordance with policy 5.1.2.4;
- i) Cannabis cultivation in accordance with policy 5.1.4.3;
- j) Alternative energy facilities in accordance with Provincial requirements;
- k) Secondary dwelling units.

### 5.1.2.2 Agricultural Related Uses

#### 5.1.2.2.1 Permitted Agricultural Related-Uses

Agricultural Related Uses include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support the agricultural system, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

#### 5.1.2.2.2 Criteria for Agricultural Related Uses

Examples of such uses include, but are not limited to, grain dryers, feed mills, cold and dry storage facilities, grain and seed storage facilities, distribution facilities, abattoirs, food and beverage processing operations (e.g. wineries, cheese factories), farmer's market selling mostly local produce and farm auction operations. Agricultural-related industrial uses may include uses such as industrial operations that process farm commodities. The following requirements shall apply to all agricultural related uses:

- a) The use is directly related to the farm operation and requires a location in close proximity to the farm operation;
- b) The need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Township;
- c) The use is located on the least productive agricultural land, where possible;
- d) The use is located on a road capable of accommodating the traffic generated;
- e) The requirements and standards for Township, County and Province regarding water supply, sewage disposal, drainage, air quality, noise and vibration are satisfied;
- f) The use is located in conformity with the Minimum Distance Separation formulae and does not adversely impact surrounding agricultural activities;
- g) The size and scale of the facility is appropriate for the rural character of the surrounding area and does not adversely impact adjacent agricultural uses;
- h) The use does not negatively impact natural heritage features and areas and functions;
- i) A site-specific Zoning By-law Amendment is obtained; and
- j) Lot frontage, depth and size of any lot proposed to be used or created is adequate for the proposed use and will be in accordance with the Zoning By-law.

### 5.1.3 On-Farm Diversified Uses

#### 5.1.3.1 Permitted On-Farm Diversified Uses

On-Farm Diversified Uses are secondary to the principal agricultural use of the property and are limited in size. On-farm diversified uses include, but are not limited to, home occupations, agri-tourism uses, indoor cannabis cultivation and uses that produce value-added agricultural products. Ground-mounted solar facilities, less than 10 kilowatts are permitted in the Agricultural Areas as on-farm diversified uses.

#### 5.1.3.2 Criteria for On-Farm Diversified Uses

On-farm diversification is encouraged as a means of supporting the overall vibrancy and viability of the Agricultural Area. The following applies to all On-Farm Diversified Uses:

- a) The uses must be clearly secondary to the principle agricultural use of the lot;
- b) The uses may include home occupations, bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;

- c) The area will be limited based on total footprint of the uses, on a lot coverage ratio basis;
- d) Any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- e) Appropriate development standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking and outside storage;
- f) Site plan approval and site plan agreements may be required;
- g) The severance of secondary uses from the farm lot will not be permitted;
- h) Home occupations will be operated or undertaken by residents of the site. The number of non-residents assisting in the operation of the home occupation will be limited per the Zoning By-law.
- i) Home occupations will not create a nuisance or conditions inconsistent or incompatible with nearby agricultural uses or the agricultural character of the area.

### 5.1.3.3 Residential Permissions within the Agricultural Area

Residential dwellings within the Agricultural Area are limited to:

- a) New single-detached dwellings accessory to an agriculture use;
- b) Existing single-detached non-farm dwellings;
- c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the requirements of the Zoning By-law; and
- d) Temporary residences for seasonal farm labour may be permitted or one permanent second farm residence may be permitted for full-time farm labour where the size and nature of the operation requires additional farm related employment.

## 5.1.4 Additional Policies

### 5.1.4.1 Re-Use of Existing Non-Agricultural Buildings

Existing non-agricultural buildings within an Agricultural Area may be reused in accordance with the policies for Agricultural Related Uses or On-Farm Diversified Use for a new use that is similar to the previous use or more in keeping with the surrounding Agricultural area. A Zoning By-law amendment may be required.

### 5.1.4.2 Cannabis Growth Special Policy

All Cannabis cultivation and processing shall be in accordance with the *Cannabis Act* and supporting Health Canada Regulations 2018 or its predecessor. The outdoor cultivation of cannabis is considered an agricultural use. The outdoor cultivation of cannabis is permitted subject to security requirements under the Cannabis Act, including physical barriers around the site and visual monitoring at all entry points. A setback from sensitive land uses in proximity to the site is subject to the Township's discretion and updates to the Zoning By-law.

### 5.1.4.3 Extraction of Petroleum Resources

Extraction of petroleum resources is permitted in Agricultural areas provided that the site is rehabilitated to agricultural use and in accordance with the policies of this Plan.

#### 5.1.4.4 Wooded Areas not Subject to Significant Woodlands Policies

Development in wooded areas of the Agricultural Area shall be carried out in a manner that encourages preservation and protection of treed areas in keeping with the policies as outlined in the Natural Heritage Section 4.1. This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities, and encourages reforestation and conservation of woodlots. Removal of treed areas is subject to the County of Elgin's Woodland Conservation By-law.

#### 5.1.4.5 Minimum Lot Size for Agricultural Uses

The minimum lot size for new agricultural parcels shall be 40 hectares to discourage the unwarranted fragmentation of farmland. This Plan supports the provision of agricultural land parcels of sufficient size for long-term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation. Existing parcels of insufficient size for agricultural use will be encouraged to consolidate with adjoining farmlands where possible.

#### 5.1.4.6 Minimum Farm Lot Size for Agriculture-Related Uses

Severances for agricultural related uses may be considered where the lot is being severed from an agricultural lot that is 40 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 40 hectares provided that the agricultural land is added to an abutting agricultural lot.

#### 5.1.4.7 Non-Farm Lot Size

All new non-farm lots will be limited in size so that a minimum of land is taken out of agricultural uses, and will be located on the least productive land where possible. The lot size and shape will be consistent with expected current and future needs with respect to water supply and sewage disposal.

### 5.1.5 Agricultural Area Interface

#### 5.1.5.1 Agricultural Practices

The Township encourages landowners to employ farm management practices in Agricultural Areas that are sensitive to the natural environment, and in conjunction with the appropriate Conservation Authority regulations, including the following:

- a) cultivation methods aimed at minimizing erosion,
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
- d) proper construction of drainage tile outlets to minimize erosion along water-courses;
- e) restricting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and
- i) the preparation of Nutrient Management Plans.

#### 5.1.5.2 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation formulae.

### 5.1.5.3 Application of MDS I

The Township shall require compliance with the MDS I requirements for all types of development proposed by building permit on all existing lots of record outside of Hamlets and Settlement Areas. The Township requires compliance with the MDS I requirements for surplus farm dwelling severances. The Township does not require compliance with the MDS I requirements for the construction of a new dwelling that is replacing a dwelling that is demolished in whole, or in part, by a catastrophe, provided that the new dwelling is located no closer to a livestock facility than prior to the catastrophe. The Township shall not apply MDS I in Hamlets and Settlement Areas designations.

### 5.1.5.4 Application of MDS II

The Township shall not apply MDS II in Hamlets and Settlement Areas. The Township shall apply the MDS II requirements for the construction of a livestock facility that is replacing a livestock facility that is destroyed by a catastrophe. The Township shall treat closed cemeteries in compliance with the Minimum Distance Separation Implementation Guidelines in accordance with the levels of visitation to the cemeteries.

## 5.2 Settlement Area Land Uses

### 5.2.1 Complete Communities

Settlement Areas are intended to be planned as complete communities with a mix of residential, commercial, employment, institutional and recreational uses. The detailed land use for each Settlement Area is depicted on Schedules 4A, 4B, 4C and 4D.

### 5.2.2 Residential

#### 5.2.2.1 Planned Function

Residential areas are intended to allow for a variety of housing options, including a variety of dwelling types, tenure types and arrangements.

#### 5.2.2.2 Permitted Uses

The following uses are permitted in Residential Areas:

- a) Single-detached dwellings;
- b) Semi-detached dwellings;
- c) Townhomes;
- d) Low rise apartments and other multiple dwelling forms;
- e) Accessory uses;
- f) Home occupations in accordance with policy 5.2.2.3.3;
- g) Special Residential uses, in accordance with policy 5.2.2.3.4;
- h) Bed and Breakfast Establishments, in accordance with policy 5.2.2.3.5;
- i) Lodging Houses, in accordance with policy 5.2.2.3.6;
- j) Parks and recreational uses in accordance with policy 5.5.2.1;
- k) Institutional uses;
- l) Secondary dwelling units.

### 5.2.2.3 Additional Policies

#### 5.2.2.3.1 Residential Density

Table 5.1 provides the maximum permitted density and building heights for lands designated residential within Settlement Areas:

**Table 5.1: Residential Density**

Density:	Dwelling Types:	Maximum Density	Maximum Building Height
Low	Single-detached, semi-detached, duplexes, triplexes	20 units per hectare	Up to 3 storeys
Medium	Townhomes and low rise apartments	50 units per hectare	Up to 3 storeys for Townhomes and 6 storeys for low-rise apartment

#### 5.2.2.3.2 Medium Density Residential Development

Applications for Medium Density Residential Development will be considered in accordance with the following policies:

- Preference will be given to medium-density development in locations in proximity to Arterial or Collector Roads where the development provides a physical transition between low-density dwellings, and higher-density residential development; locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas.
- The development should be buffered with appropriate landscaping and setbacks from abutting low-density residential development;
- The development should be designed so that it is compatible with surrounding development;
- On-site parking and recreational amenities are to be provided;
- The height of the proposed development will not generally exceed six storeys;
- Site Plan Approval is required.

#### 5.2.2.3.3 Home Occupations

Within a Residential Area, a home occupation will be clearly secondary to the residential use, and must be contained entirely within the residential unit. Home Occupations are occupations or businesses conducted for gain or profit generally within a dwelling unit. The following additional policies shall apply:

- Home occupations will be clearly subordinate to the residential use, and will not require alterations which interfere with the residential character of the lot and structure.
- Home occupations will not be permitted if they generate uncharacteristic traffic for a residential neighbourhood, or require outdoor storage of goods or materials, or will otherwise disrupt the peaceful and quiet enjoyment of other residential properties in the neighbourhood;
- Home occupations will be regulated through the Township Zoning By-law.

#### 5.2.2.3.4 Special Residential Uses

Special Residential uses include group homes as defined in the Zoning By-law, residential care facilities, senior citizens housing, short-term accommodation operated or authorized by a public agency, and facilities for special population groups. Special Residential uses will generally be subject to the policies governing Medium Density dwellings. Special Residential uses will be subject to the following policies:

- a) The use should be compatible with the scale, density and character of existing or planned land uses;
- b) Provision should be made for appropriate site design to ensure seamless integration with surrounding existing development;
- c) Adequate off-street parking must be provided to serve the residents, staff and visitors while retaining sufficient yard space to maintain the residential character of the area; and,
- d) Provision will be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities as required.

#### 5.2.2.3.5 Professional Offices

Certain types of professional offices are compatible with a residential neighbourhood, and may serve as a needed function to nearby residents. These uses include, but are not limited to a law office, doctor's office, chiropractic practice, dentist, or accounting practice. Development standards can blend such uses into the residential community so as to minimize undesired impacts. Professional offices will be permitted in existing residential dwellings within the Residential Areas provided:

- a) The proposed use is limited to a professional practice;
- b) Within Settlement Areas, the use fronts onto a Collector or Arterial Road; and,
- c) Adequate parking and pedestrian connections are provided.

#### 5.2.2.3.6 Bed and Breakfast Establishments

Bed and Breakfast establishments within private homes, where the Owner resides, may be permitted within Residential Areas. The following policies shall apply:

- a) Adequate on-site parking spaces shall be provided and maintained;
- b) Site size and servicing must be adequate in accordance with the applicable policies of this Plan and the Zoning By-law;
- c) No external alteration shall be permitted for utilization that is inconsistent with the physical character of the surrounding neighbourhood; and,
- d) The Zoning By-law will regulate the maximum number of rooms available to guests and parking requirements.

#### 5.2.2.3.7 Lodging Houses

Lodging houses may be permitted where the owner, tenant or keeper of which resides and where there is offered or supplied for gain or profit lodging or lodging and meals, but excludes a provincial group home or other special needs housing, hotel, inn or institution. The policies of Bed and Breakfast establishments in Section 5.2.2.3.6 shall also apply to Lodging Houses.

## 5.2.2.4 Urban Design

### 5.2.2.4.1 Site Layout

Site Layout of all new residential development shall maintain or enhance the neighbourhood's prevailing pattern of lot widths, lot depth and lot area. The mixing of densities and housing designs within individual developments is encouraged, provided that locational requirements are satisfied. The density of a development will be governed by the Township considering among other things, the preservation of open space and trees, the ability of the road system to accommodate the generated traffic, the capacity of municipal infrastructure, and compatibility with existing development patterns.

### 5.2.2.4.2 Landscaping and General Site Design

Landscaping on the front and side yards of all residential properties is required and should have regard for four-season viability, and in accordance with the Zoning By-law. Parking for medium density residential forms should generally be located at the side and rear of buildings, with separate parking from driveway entrances to streets, and avoid obstruction of views of approaching traffic, pedestrians or cyclists. Bicycle parking should also be installed where possible. Screening and landscaping around parking areas is required. Sheds and outdoor storage shall be located in the side or rear yard of residential dwellings, and in accordance with the Zoning By-law.

### 5.2.2.4.3 Neighbourhood Design

Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy, and amenity. Connectivity of neighbourhoods is required through recreational spaces, parks, trails, sidewalk and other active transportation linkages where feasible.

### 5.2.2.4.4 Residential Infill

In existing Residential Areas, an increase in residential density may be considered subject to the following:

- a) Proposed development is generally compatible with the surrounding uses;
- b) Availability of municipal services;
- c) Proximity and access to supporting community services;
- d) Proposed development increases the mix of dwelling types and support the achievement of the Township's affordability target of 20%.

### 5.2.2.4.5 Settlement Area Interface

In cases where residential development is proposed on lands adjacent to or abutting agricultural lands, the Township will ensure that adequate buffering and/or mitigation measures are provided between the development and the agriculture lands, so that normal farm practices are protected from development within the Settlement Areas, where necessary. In this regard, the developer will be responsible for providing appropriate transitional space through the use of landscaping, setbacks, fencing and screening. The specific design aspects for addressing interface conditions will be determined through the site plan and/or subdivision agreements.

## 5.2.3 General Commercial

### 5.2.3.1 Planned Function

General Commercial areas are intended to provide economic development opportunities and also provide a range of local shopping options to support residents living in the Settlement Areas and nearby agricultural community. General Commercial areas should be clustered in Settlement Areas in the form of small nodes, plazas or main street formats.

### 5.2.3.2 Permitted Uses

Within lands designated General Commercial the primary use of land shall be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. Accessory permitted uses may include government and public offices and institutional uses such as schools, parks, recreation, libraries, and fire stations. Secondary residential dwelling units are permitted in a mixed use format, with commercial uses located on the ground floor and residential uses located on upper storey and/or rear ground floor, with the size subject to the standards of the Zoning By-law.

### 5.2.3.3 Additional Policies

#### 5.2.3.3.1 Compatibility

New development will be assessed with respect to its compatibility with intended adjacent land use designations and its contribution to the commercial structure of the Township. Where new commercial development is proposed adjacent to residential land uses, Council must be satisfied that the following provisions are adequately met:

- a) Screening and/or buffering of access driveway, parking and service areas such that noise, light or undesirable visual impacts are mitigated;
- b) Adequate off-street parking and loading spaces, in accordance with the provisions of the Zoning By-law;
- c) Adequate site landscaping using indigenous species, where possible, and maintenance of all lands; and
- d) Subject to Site Plan Approval.

### 5.2.3.4 Urban Design

#### 5.2.3.4.1 Building Height and Built Form

Commercial Area built form will typically be a grouping of retail and other commercial uses under common or individual ownership, and may take the form of a shopping plaza. More than one commercial use may be permitted in a building on a lot. Primary entrances shall have architectural treatments for high visibility. The maximum height for commercial buildings is two storeys.

#### 5.2.3.4.2 Site Layout and Landscaping

Site layout shall facilitate the safe and comfortable movement of pedestrians and vehicles through designated walking and parking areas, and connected store fronts. Landscaping is required along all property frontages having regard for four-season viability in selection of vegetation. Where feasible, the site layout shall also provide appropriate active transportation connections to adjacent commercial or residential areas.

#### 5.2.3.4.3 Parking

In general parking shall be located at the rear and side of buildings, with connective, marked pathways for pedestrians, separated from vehicle routes. Linked parking areas shall be encouraged for abutting commercial properties to provide movement between lots. Where parking is proposed adjacent to a residential area and/or closer to the street than the building, appropriate landscaping and tree planting shall be provided.

#### 5.2.3.4.4 Loading and Storage

Loading and refuse areas should be screened and located at the side or rear of the building. Storage of products, unless otherwise permitted in the Zoning By-Law should be wholly enclosed within the building. Where loading and/or storage is proposed adjacent to a residential area, appropriate landscaping and tree planning shall be provided.

### 5.2.4 Industrial

#### 5.2.4.1 Planned Function

Industrial uses are intended to provide for a range of employment types and help to support economic diversification within the Township's settlement areas.

#### 5.2.4.2 Permitted Uses

Lands designated Industrial allow for a full range of the following:

- Manufacturing;
- Warehousing;
- Logistics, office;
- Alternative energy projects;
- Research and development uses;
- Cannabis processing facilities, in accordance with policy 5.2.4.4.2; and
- Accessory uses, in accordance with policy 5.2.4.2.1.

##### 5.2.4.2.1 Accessory Uses

Small scale commercial uses which support a broader industrial area or on-site accessory commercial uses may be permitted provided they do not detract from the area for industrial purposes now or in the future. These uses may include limited retailing within industrial buildings for the sale of goods manufactured on the premises, banks, restaurants and office supply establishments.

#### 5.2.4.3 Urban Design

##### 5.2.4.3.1 Building Height and Built Form

Industrial buildings shall maintain primary entrances to be visible and accessible from the main street frontage and use a variety of materials to provide for an attractive interface with the street and surrounding area. The maximum permitted height for industrial buildings is up to four storeys.

##### 5.2.4.3.2 Site Layout and Landscaping

Buildings should be attractively designed and occupy the majority of the lot frontage, and be compatible with the surrounding buildings. Landscaping shall be provided at the front, side and back yards of

buildings in addition to any walls or fences. Sites adjacent to other land use designations shall provide a minimum landscaped area and buffers, in accordance with the Zoning By-law.

#### 5.2.4.3.3 Parking

Parking is encouraged to be located at the rear and side of the building. Where parking is proposed adjacent to a residential area, appropriate landscaping and tree planting shall be provided.

#### 5.2.4.3.4 Loading and Storage

Outdoor storage of raw materials and equipment is permitted as an accessory use, provided such outdoor storage is adequately screened from adjacent properties and streets. Storage of raw material, equipment and finished products should be located at the side or rear of the facility. Landscaping and tree plantings shall be provided in accordance with the Zoning By-law around any outdoor storage. Loading areas should also be located to the side or rear of the facility. Where loading and/or storage is proposed adjacent to a residential area, appropriate landscaping and tree planning shall be provided.

### 5.2.4.4 Additional Policies

#### 5.2.4.4.1 Existing Residential Uses

Appropriate separation distances and buffering shall be provided between new industrial development and existing residences, residentially zoned land, and any other existing or planned sensitive use, in accordance the policies of Section 3.5 of this Plan and with the Ministry of Environment's D6 Compatibility between Industrial Facilities Guidelines including:

- a) Minimum of 30 metres of separation between Class I industrial uses and adjacent sensitive lands uses;
- b) Minimum of 70 metres of separation between Class II industrial uses and adjacent sensitive land uses; and,
- c) Minimum of 300 metres of separation between Class III industrial uses and adjacent sensitive uses.

#### 5.2.4.4.2 Cannabis Production Facilities

Facilities shall be located and designed in accordance with the Zoning By-law and Federal regulations to mitigate potential impacts including light emissions, air emissions, odour, and any other impacts. Only facilities registered or licensed by Health Canada are permitted. All new facilities shall be subject to Site Plan approval.

## 5.3 Hamlets

### 5.3.1 Planned Function

The Hamlet designation recognizes historic small clusters of residential development with relatively minor community and service functions. Hamlets are not intended to be the focus of significant future development and include the following areas which are depicted on Schedule 4:

- a) Paynes Mills;
- b) Frome;
- c) Middlemarch;
- d) Iona;
- e) Iona Station;

- f) Southwold Station; and,
- g) Lawrence Station.

### 5.3.2 Permitted Uses

The following uses are permitted in Hamlets:

- a) Single-detached dwellings;
- b) Secondary dwelling unit;
- c) Limited commercial uses which are intended to serve the day-to-day needs of the community;
- d) Limited industrial uses which do not require full municipal services and comply with the land use policies of this plan;
- e) Home occupations, in accordance with the policy 5.2.2.3.3;
- f) Parks and recreational uses; and
- g) Open Spaces.
- h)

### 5.3.3 General Urban Design

Built form shall be compatible with the surrounding character of the hamlet area. Proposed new dwellings shall have regard for architectural continuity in materials, design features and massing. Residential dwellings shall have driveway access located at the front or side of the dwelling, as consistent with the existing hamlet area. All sheds and outdoor storage shall be located at the side or rear yard of the dwelling, and in accordance with the Zoning By-law. Landscaping in the front yard is encouraged to have regard for four-season viability.

### 5.3.4 Additional Policies

#### 5.3.4.1 Infilling

Hamlet boundaries are depicted on Schedule 4 and are generally consistent with the limits defined in the County of Elgin's Official Plan. The policies of this Plan are intended to allow for modest forms of development through infilling. Infilling means the creation of a new lot between two existing residences which are on separated lots and which are situated on the same side of the road within a Hamlet area.

#### 5.3.4.2 New Development

Specific uses on any individual site will be subject to land use compatibility and the provision of adequate servicing.

## 5.4 Highway Service Commercial

### 5.4.1 Planned Function

The Highway Service Commercial lands recognize a historic designation outside of Settlement Areas which allows for commercial services and amenities to support members of the travelling public. Highway Service Commercial lands are those which function dependent upon proximity to a controlled access highway and are depicted on Schedule 4. In accordance with the Agricultural policies of this plan, no new Highway Service Commercial areas are permitted outside of Settlement Areas.

## 5.4.2 Permitted Uses

Permitted uses include restaurants, accommodation uses, vehicle refueling facilities, tourist information centres, truck stops, transport and logistics terminals, hotels, motels and accessory uses.

### 5.4.2.1 Accessory Uses

Accessory uses may include warehousing, wholesaling and storage; farm machinery sales and service; travel trailer, recreation vehicle and modular or mobile home sales and displays. The extent and type of development will be regulated in accordance with the adequacy of servicing.

## 5.4.3 General Urban Design

New buildings shall be set back from the street to allow for visibility and safe access to the site. Landscaping areas shall not be used to display or sell goods. Tree lined street corridors, while maintaining high visibility of primary entrances is encouraged. Outdoor storage shall be screened and feature surrounding landscaping.

## 5.4.4 Additional Policies

### 5.4.4.1 Access

Road Access will be subject to Local, County and Provincial road authority regulations and be limited in number. The Highway Service Commercial Area may be initially zoned with a holding zone to establish the principle of development, and to ensure that all design, servicing, and access issues are satisfactorily addressed before any development proceeds. Development may be staged so that the potential for environmental impacts can be monitored and appropriately addressed before any expansion is approved.

# 5.5 Parks, Open Space and Recreation

## 5.5.1 Planned Function

Open Spaces are intended to provide green space, naturalized areas, and recreational areas in the Township. These areas are intended to contribute to the health of the natural environment, residents and visitors.

## 5.5.2 Permitted Uses

Parks, Open Space and Recreational uses in the Township are subject to the policies of this section. Where components of the natural heritage system and hazard lands are included within the Open Space designation, the provisions of Section 4 concerning permitted uses within natural heritage areas and hazard lands shall take precedence. Permitted uses include uses such as the following:

- a) Golf courses and associated uses, such as accommodation, driving ranges and putting greens;
- b) Public and private parks;
- c) Campgrounds;
- d) Cemeteries including crematoria;
- e) Non-commercial gardening including nurseries;
- f) Botanical gardens;
- g) Zoological parks;

- h) Swimming pools, skating rinks and ponds;
- i) Public trails;
- j) Accessory commercial uses and parking facilities;
- k) Parks and playgrounds;
- l) Stormwater management facilities; and
- m) Community centres and similar community or neighbourhood facilities.

### 5.5.2.1 Parks

Within Settlement Areas, Community Parks and Neighbourhood Parks will provide for a range of recreational and open space opportunities. Where possible, open space areas should be interconnected. The Township encourages the co-operation and participation of public agencies, service groups and private citizens in creation of open space linkages.

#### 5.5.2.1.1 Community Parks

Community Parks are intended to serve the recreational needs of the residents at the community level. Community Parks will:

- a) Provide indoor and outdoor recreation facilities, and are a focal point for community activities;
- b) Provide predominantly for active recreational uses;
- c) Be accessible to the community; and
- d) Incorporate elements of the natural environment wherever feasible.

#### 5.5.2.1.2 Neighbourhood Parks

Neighbourhood Parks are permitted uses in all land use designations. Neighbourhood Parks will generally consist of small children's play facilities at the neighbourhood level and greenbelt areas that serve individual neighbourhoods within a community. More specifically, Neighbourhood Parks will:

- a) Be accessibly located within a neighbourhood;
- b) Provide opportunities for minor recreational activities; and
- c) Provide opportunities for passive enjoyment of the environment.

### 5.5.3 Additional Policies

The implementing Zoning By-law may zone Open Space uses in a separate zoning categories. The Open Space Areas are intended to cover significant areas of parkland and open space. Neighbourhood Parks including parkettes will not generally be designated as Open Space Areas.

#### 5.5.3.1 Lands in Private Ownership

Where any land designated as Open Space is under private ownership, the Plan does not intend that this land will necessarily remain an Open Space use indefinitely, nor will it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Township or any other public agency.

#### 5.5.3.2 Parkland Dedication

Public open space will generally be acquired through the dedication of lands or the payment of funds pursuant to the provisions of Sections 42 and 51.1 the *Planning Act*, and will be provided in accordance with the following policies that will be applied throughout the entire Township:

- a) As a condition of residential development or redevelopment and/or a condition to the approval of subdividing land, conveyance of land to the Township for park purposes will be required at a rate of 2 percent of the area of land developed for commercial/industrial lands and 5 percent of the land proposed for development for all other uses, or for residential develop, the alternative rate of 1 hectare for each 300 dwelling units for land conveyances and 1 hectare per 500 units for cash-in-lieu;
- b) As a condition of industrial and commercial development or re- development and/or a condition to the approval of subdividing land, the conveyance of land to the Township for park purposes will be required at a rate of 2 percent of the land proposed for the development to the Township for park purposes, or cash in lieu thereof.

#### 5.5.3.2.1 Cash-in-Lieu of Parkland

Cash-in-lieu of dedicated parkland will be based on the appraised value of any land required to be conveyed for park or other public recreational purposes in accordance with the appropriate provisions of the *Planning Act*. Cash-in-lieu will be accepted if the parcel proposed is not appropriate for parkland or parkland is not required by the Township in the subject area.

Combinations of cash-in-lieu and parkland dedication may be accepted in some instances. For example, when partial dedication would achieve the desired parkland standard for the area or where private recreational facilities are being constructed.

#### 5.5.3.3 Condition of Dedicated Lands

The Township will generally not accept as part of the minimum parkland conveyance lands that are required for drainage purposes, lands susceptible to flooding, steep valley slopes, hazard lands, connecting walkways and other lands unsuitable for development. Furthermore, all lands conveyed to the Township will be in a physical condition satisfactory to the Township considering the anticipated park use. The Township may accept some lands that contribute to linkages between existing parks in the system as part of the dedication at its discretion.

#### 5.5.3.4 Other Agencies

The Township encourages the assistance of service groups, businesses and private citizens in the provision of parkland or other public recreational purposes. The Township may seek agreements with other organizations, such as service clubs or school boards, for the increased utilization of space and facilities such as open space, gymnasiums, or buildings in order to serve the community.

### 5.6 Waste Management Centre

#### 5.6.1 Planned Function

The Waste Management Centre Designation applies to the area of the City of Toronto Landfill site (Green Lane Landfill). It includes sites and facilities to accommodate municipal solid waste and includes existing approved landfill sites, recycling facilities, transfer stations, processing sites, and compatible businesses and industries. Lands are designated on Schedule 4 for existing approved site and also incorporate additional lands surrounding the site, taking into consideration potential expansion, buffering and transitional uses in proximity to the site.

### 5.6.2 Permitted Uses

The main permitted uses are solid waste disposal and processing, resource recovery, recycling, waste transfer, and land uses which demonstrate compatibility with waste disposal sites such as biomass energy facilities. Permitted interim uses include agricultural uses.

### 5.6.3 Additional Policies

The Township encourages diversification of activities within the Waste Management Centre area, and supports the development of partnerships with the community and Indigenous person's businesses.

#### 5.6.3.1 Zoning Adjacent Areas

The location of uses determined to be compatible with the waste disposal facility will require an amendment to the Zoning By-law and a Certificate of Approval from the Ministry of Environment if required. The Zoning By-law may place a holding provision or restrictive zoning on areas which have been identified as being impacted by the landfill site or other sites which produce gases, leachate, dust, odour or noise impacts similar to those found in landfill areas.

#### 5.6.3.2 Development Proposals in Proximity

No development will be permitted within the identified influence area of the landfill until satisfactory measures have been implemented to mitigate the impacts from the landfill site. For the purposes of this Plan, the potential influence area involves a minimum 500 m radius around the waste cells. This influence area may be reduced, as a result of more detailed site investigations, without amendment to this Plan. Prior to consideration of development proposals in or within the influence of the landfill site, Council will require the completion of various studies, including but not limited to:

- a) Land Use Compatibility Study, in accordance with Ministry of Environment Guideline and policy 6.6.3;
- b) Soil and groundwater samples;
- c) Potential human health concerns such as noise, dust and odours; and
- d) Tests for leachate and/or combustible gas migration.

#### 5.6.3.3 Future Expansion

The Township acknowledges that any future expansion of the site is subject to an Environmental Assessment process under the Provincial Environmental Assessment Act. The Township expects to be actively engaged in any future processes associated with changes or expansions to the current site which will require an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval. Any expansions or alterations to the site plan shall address issues related to land use compatibility (air quality, noise, vibration, odour, etc.), traffic impact, natural environmental, impacts on municipal infrastructure, socio-economic impact, agricultural system impact and any other relevant issues/concerns.

# 6 INFRASTRUCTURE

## 6.1 Transportation Network

### 6.1.1 Road Classification

The Township's transportation network is part of a broader network of linkages that supports the movement of people and goods within the County of Elgin and more broadly to Southwestern Ontario. Roads within the Township are classified as Provincial Highways, County Roads (Major Arterial, Minor Arterial and Collector Roads) and Local Roads. There are three provincial highways located within the Township which are under the jurisdiction of the Ministry of Transportation (MTO):

- a) Highway 401;
- b) Highway 3; and,
- c) Highway 4.

### 6.1.2 Road Network

The Township's Road Network is shown on Schedule 5.

### 6.1.3 Provincial Highways

#### 6.1.3.1 Planned Function

The planned function, mobility and design characteristics of Provincial Highways are subject to the MTO policies, standards and best practices. This means that in addition to meeting applicable requirements by the Township, all proposed development located adjacent to and in the vicinity of a Provincial Highway within the MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will be subject to MTO approval.

#### 6.1.3.2 Permit Requirements

A Building and Land Use Permit is required for all development located adjacent to a Provincial Highway and is subject to MTO approval. Depending on the type of development proposed, other potential MTO permits may be required, such as an Encroachment Permit, Sign Permit, and Entrance Permit in accordance with the MTO Highway Corridor Management Manual, as amended time to time. The Township encourages early consultation with the MTO to ensure the integration of municipal planning initiatives with provincial transportation planning.

#### 6.1.3.3 Setbacks

The Zoning By-law will establish minimum setbacks for buildings along Provincial Highways to ensure room for future road widenings and installation of additional traffic lanes, in accordance with MTO's Building and Land Use Policy and the Highway Corridor Management Manual, as amended time to time.

## 6.1.4 County Roads

### 6.1.4.1 Arterial Roads

#### 6.1.4.1.1 Planned Function

The primary function of Arterial Roads is to transport large volumes of traffic between the different areas within and through the Township. Direct access is usually from other Arterial Roads and Collector Roads. For high volume Arterial Roads, access shall be strictly controlled. Where such roads pass through Hamlets or Settlement Areas, the Township will encourage new development to face onto the Arterial Road although alternative access arrangements may be required to minimize direct access onto the Arterial Road.

#### 6.1.4.1.2 Truck Traffic

The Township encourages the movement of truck traffic along Arterial Roads.

#### 6.1.4.1.3 New Development and Intersections

In areas where new development is proposed, existing Arterial Road intersections will be improved as required. New Arterial Road intersections will be adequately spaced and provided with the necessary traffic control equipment and turning lanes, to maintain a safe and desirable movement of vehicular and pedestrian traffic.

#### 6.1.4.1.4 Setbacks

The Zoning By-law will establish minimum setbacks for buildings along Arterial Roads to ensure room for future road widenings and installation of additional traffic lanes, if required. Widenings will not be undertaken until the impact on abutting properties is studied and any negative effects are minimized.

#### 6.1.4.1.5 Mitigation Measures

On Arterial Roads where speeds and volumes are higher, mitigating measures that attenuate noise and vibration factors may be required. Land uses which generate high volumes of traffic, including truck traffic, will be encouraged to locate along Arterial Roads.

### 6.1.4.2 Collector Roads

#### 6.1.4.2.1 Planned Function

The primary function of Collector Roads is to carry traffic volumes to and from major traffic generators or within or between residential neighbourhoods. Collector Roads generally provide linkages to the Arterial Road system.

#### 6.1.4.2.2 Location and Design

Collector Roads will be located and designed to discourage through vehicular traffic within residential areas. Where possible and appropriate, reverse frontages will be used for residential lots adjacent to collector roads.

#### 6.1.4.2.3 Intersection Improvements

Collector Road intersections will be adequately spaced to ensure the safe and desirable movement of vehicular or pedestrian traffic volumes to minimize the infiltration of through traffic onto Local Roads in residential neighbourhoods.

### 6.1.4.3 Private Access to County Roads

The County discourages direct private access and development which would inhibit traffic movement along County Roads that are classified as Major Arterials on Schedule 5 of this Plan. Direct private access may be permitted subject to design controls along Minor Arterials and Collectors.

### 6.1.4.4 Traffic Impact Study

Proposed development may require the completion of a Traffic Impact Study to assess the impact on the transportation system and surrounding land uses. The proponent must consult with the Township and as required, the County and/or MTO to determine the appropriate scope of work for the Traffic Impact Study (TIS). Depending on the outcome of the TIS, the expectation is that the TIS will recommend appropriately scaled measures to mitigate any significant impacts related to safety or capacity of the road network.

## 6.1.5 Local Roads

### 6.1.5.1 Planned Function

The primary function of Local Roads is to provide direct access to abutting properties. Lower speed limits and traffic control devices may be necessary to ensure public safety.

### 6.1.5.2 New Local Roads

New Local Roads shall be constructed to municipal standards prior to their assumption by the Township. Where new roads are proposed to intersect with a County Road and/or MTO road, the location, design and construction of these roads at their point of intersection shall be subject to the approval of the County of Elgin and/or MTO. Unless it is clearly in the public interest, no new roads shall be opened in the Township. An individual may, however, request that a road be opened provided that:

- a) The road is opened at the individual's expense; and
- b) The individual enters into a development agreement with the Township for opening the road and bringing the road up to the minimum municipal road standards for assumption purposes.

Unless it is clearly in the public interest, existing private roads will not be assumed by the Township and the Township will not be responsible for access, snow removal, maintenance or use by school buses or public vehicles.

## 6.1.6 Road Right-Of-Ways

### 6.1.6.1 Planned Function

The primary function of all road rights-of-way is to serve the transportation system needs of the Township. The secondary function of all road rights-of-way is to provide for the distribution of municipal services and utilities to inhabitants of the Township. Where a road right-of-way is used for any other purpose (such as the provision of other public services or transmission lines), such use shall be at the risk and expense of the proponent.

#### 6.1.6.2 Right-of-Way Width for Arterial and Collector Roads

Major Arterial Roads will have a minimum right-of-way width of 36.5 metres (120 feet). Minor Arterial Roads will generally have a right-of-way width of 30 metres (98.4 feet) and a maximum road width of 36.5 metres (120 feet). A greater right-of-way width will be provided for turning lanes at road intersections where required. Right-of-Way Width of Collector Roads will have a minimum right-of-way width of 20 metres (66 feet) and a maximum road width of 30 metres (98.4 feet).

#### 6.1.6.3 Right-of-Way Width of Local Roads

Local Roads will have a minimum right-of-way width of 20 metres (66 feet), or a minimum width of 15 metres (50 feet) in areas where alternative development standards are deemed appropriate by the Township. New road allowances less than the standard width may be considered depending on the length of the street and the nature of the development being proposed.

#### 6.1.6.4 Relocation of Fixtures in the Road Right-Of-Way

The Township may direct the location or relocation of any fixture (system, transmission line, etc.) in the road right-of-way. All expenses associated with the construction, relocation or removal of any fixture or thing maintained in a road right-of-way shall be borne by the owner.

#### 6.1.6.5 Permitted Municipal Services

Services provided by the Township shall be permitted in all publicly owned road rights-of-way.

#### 6.1.6.6 Permitted Public Utilities

Public utilities which serve abutting owners may be located in road rights-of-way where reasonably practicable. If an existing road right-of-way width is less than the minimum right-of-way width identified by this Plan, the utility proposing to locate services may be required to acquire (or pay the cost of acquisition by the Township) the additional land required to meet the minimum right-of-way standards.

#### 6.1.6.7 Transmission Lines

Where it is determined (for environmental or other reasons) that a transmission line route should be located upon a particular road right-of-way, the proponent shall be required to acquire (or pay the cost of acquiring) sufficient land for the widening of the road allowance beyond the minimum standards of this Plan to accommodate the transmission line.

#### 6.1.7 Protection of Planned Corridors

The Township supports the protection of planned corridors. Development is not permitted in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development adjacent to or in the vicinity to existing or planned corridors and transportation facilities should be compatible with the surrounding land uses.

#### 6.1.8 Protection of Rail Facilities

Planning for land uses in the vicinity of rail facilities shall be undertaken so that their long-term operation and economic role is protected.

### 6.1.9 Development in Proximity to Rail Facilities

In general, development is not permitted within 30 metres of an active rail corridor. Depending on the nature of the development, the Township may require that studies are completed for development in the vicinity of active railway corridors to determine if noise, vibration and safety measures are necessary to minimize potential safety hazards and land use conflicts between residential development and rail facilities. Measures may include setbacks, berms, fencing and building design features.

### 6.1.10 Pedestrian and Bicycle Traffic

#### 6.1.10.1 Active Transportation

Within Settlement Areas, the Township requires the development of interconnected and appropriate active transportation connections to adjacent commercial or residential areas as part of the construction or reconstruction of new roads.

#### 6.1.10.2 Sidewalks and Walkways

Provision will be made for sidewalks and walkways to enhance the convenience and safety of pedestrians. Sidewalks will generally be provided within Settlement Areas, where Council deems it appropriate along both sides of Arterial roads and along at least one side of Collector roads and Local Roads, where warranted by vehicular or pedestrian traffic volumes and other locations where improved access is required to meet the Provincial accessibility standards under the Accessibility for Ontarians with Disabilities Act.

#### 6.1.10.3 Cycling Network

Council may consider measures to enhance the safety and convenience of facilities for cycling. The Township will work closely with the County of Elgin to ensure that an appropriate range of active transportation connections are planned for and implemented in the Township. The County's current cycling network is depicted on Schedule 5.

### 6.1.11 Parking Standards

The Zoning by-law will establish minimum off-street standards for all land uses and forms of development. These minimum parking standards will be related to the amount of traffic generated by individual uses.

### 6.1.12 Accessibility Standards

The Township will ensure the development of off-street parking facilities, whether public or private, in such a manner as to be accessible to the disabled in accordance with the Accessibility for *Ontarians with Disabilities Act*.

## 6.2 Sanitary, Water and Stormwater Management

### 6.2.1 Servicing Strategy

#### 6.2.1.1 General Approach

Full municipal water and sanitary services is the preferred method of servicing new development in Settlement Area communities. The Settlement Area of Talbotville is the Township's only existing fully serviced settlement area for a portion of the settlement area; Full municipal services are planned for

Shedden and Fingal Settlement Areas and accordingly, the majority of future growth and development is expected to occur in Talbotville, Shedden and Fingal when full services are available. North Port Stanley is serviced by the municipal water supply systems and individual on-site sewage systems. Similarly, all of the Hamlet Areas have access to municipal water supply systems and individual site servicing. The partially serviced Settlement Areas and Hamlets are expected to see modest growth over the time horizon of this plan. The policies of this section provide direction for how development can occur on partial services. The Township will integrate when possible the planning of stormwater, sewage and water services for optimization, feasibility and financial viability of systems and to prepare for the impacts of a changing climate.

#### 6.2.1.2 Cost Effective System

The Township will ensure that an adequate and cost effective system of water supply and sanitary treatment is provided to support growth opportunities within the Township.

#### 6.2.1.3 Establishment of Full Municipal Services

An Environmental Assessment (EA) is required to establish full municipal services in Shedden, Fingal and/or North Port Stanley. The growth assumptions of the EA should be based on the growth forecasts of this Official Plan.

##### 6.2.1.3.1 Shedden and Fingal Settlement Areas

An Environmental Assessment has been completed for Shedden and Fingal Wastewater Servicing Strategy, through a Final Environmental Study Report, dated February 2021. The recommended alternative for the construction of the new treatment facility will include the construction of a single treatment facility employing a Membrane Bioreactor treatment process at the location approximately 1.2 kilometres south of Shedden on Union Road, to service new development.

### 6.2.2 Sanitary Services

#### 6.2.2.1 Settlement Area Servicing Study

In general, the expectation is that new large scale development (developments larger than 5 lots) within Settlement Areas will be on full services. Where full municipal servicing is not available, a servicing study shall be required to demonstrate how the proposed development is to be serviced, provided an Environmental Assessment has not been completed to provide full services. The Servicing Study should demonstrate the proposed approach for servicing and how the applicable Provincial, County and Township policies and regulations are being met with respect to partial services. The Study should address matters such as but not limited to:

- a) Infrastructure ownership, maintenance and potential for cost implications to the Township;
- b) Potential for risks to human to human health and safety;
- c) Potential for impacts on the natural environment; and,
- d) Potential for impacts on the character of the settlement area.

#### 6.2.2.2 Re-development, Intensification and Infill

The Township permits the infilling and minor rounding out of partial services for the re-development, intensification and infilling of existing development within Settlement Areas. The proponent must demonstrate that site conditions are suitable for the long-term provision of such services, that there are

no negative impacts from servicing and address the feasibility of extending municipal sewage services, if in the general area.

### 6.2.2.3 Individual Sanitary Sewage Treatment and Disposal Systems

Vacant lots of record requiring individual systems, will be permitted if the proposed site can accommodate an individual sanitary sewage treatment and disposal system based on the following criteria:

- a) The lot area will comply with the requirements of the Province or its designated agent and be large enough for the type of development proposed and the system(s) to be used;
- b) A building permit for an individual sanitary sewage treatment and disposal system is to be obtained; and
- c) The proponent of a development or expansion of any use shall obtain a Certificate of Approval for the expansion or alteration of an existing sewage system. No redevelopment or expansion should create or aggravate a pollution problem.

Development on private sanitary waste disposal systems shall be permitted in accordance with the requirements of the Ontario Building Code. Systems generating more than 10,000 litres per day are subject to the Environmental Compliance Approval requirements of the Ministry of Environment.

### 6.2.2.4 Access to Municipal Sanitary Sewage Systems

The Township will make no commitment or approve any development that would cause the capacity of the St. Thomas or Central Elgin's Port Stanley sewage treatment plant to be exceeded. In certain cases, improvements to the sanitary sewer system may be required before development may proceed. Such improvements may include the provision of a new pumping station and/or sewer line extensions and will require agreements with those municipalities.

## 6.2.3 Water

The Township is serviced by the Elgin Area Primary Water Supply System and the St. Thomas Area Secondary Water Supply System. It is the intent of the Township that development within the Settlement Areas and Hamlets will be serviced by municipal piped water facilities; and development within the Agricultural Areas will be serviced by municipal piped water facilities, where feasible, acknowledging that a large portion of the Agricultural Area has existing municipal water services.

### 6.2.3.1 Water System Capacity

New development shall demonstrate that the water system has uncommitted reserve capacity available in order to ensure that capacity is not exceeded. The Township may require the oversizing of watermains where future servicing extensions are anticipated. The developer is responsible for the necessary extensions and/or enlargements.

### 6.2.3.2 Development on Private Water Systems

Development may be permitted on private water systems where piped water is not available and an extension of services is not economically feasible, subject to compliance with Provincial Regulations regarding the adequacy of water quality and quantity.

### 6.2.3.3 Agricultural Area Water Lines

Where necessary to address failed private on-site water supply systems, the Township may consider extension of the municipal water supply system to service areas outside of Settlement Areas and Hamlets on a cost recovery basis and subject to the requirements of the *Environmental Assessment Act* and the approval of the Ministry of Environment and the Elgin Area Primary Water Supply System.

## 6.2.4 Stormwater Management

### 6.2.4.1 Approach to Stormwater Management

Stormwater management in the Township shall:

- a) Be integrated with sanitary and water services to ensure systems are optimized, feasible and financially viable over the long term;
- b) Minimize or where possible prevent increases in contaminant loads;
- c) Minimize erosion and changes in water balance;
- d) Consider and address the potential for the impacts of changing climate, including the application of green design and green infrastructure policies 6.8 of this Plan;
- e) Address and mitigate potential risks to human health, safety, property and the environment;
- f) Includes best practices in stormwater management in accordance with Policy 6.2.4.2.

### 6.2.4.2 Best Management Practices

The Township requires that all proposed developments demonstrate how stormwater will be managed in accordance with the Ministry of Environment's requirements regarding Best Management Practices and the Ministry's Stormwater Management Planning and Design Manual. Best Management Practices may include stormwater attenuation and re-use, and low impact development, among others.

### 6.2.4.3 Stormwater Management Plan

In order to achieve no overall increase in the peak level and volume of stormwater runoff, all new development will be required to provide suitable site grading and outlet facilities for storm drainage. The Township may require applications for development or re-development to include a stormwater management plan in accordance with the Policies of this Section and other applicable policies of this Plan, including not limited to Policies 4.3.2.6, 4.3.2.7 and 6.8.

## 6.3 Municipal Drains

The principles of natural channel design will be utilized in the construction or rehabilitation of drains where possible. This may include, where appropriate, the following:

- a) Grassed slopes and forms of indigenous plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
- b) Tile outlets should be constructed to minimize erosion along watercourses;
- c) Tree planting or other buffer measures should be installed where appropriate to act as a windbreak, to protect drain banks, and to restrict cultivation near drain banks. Trees will be

planted a suitable distance away from the drain in an appropriate location so as not to prohibit any required maintenance or work to the drain in the future;

- d) Sediment ponds and/or sediment basins should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water-borne particulates, to enhance evaporation and to serve as water storage areas; and
- e) Grassed buffers (approximately 3 metres wide) along the top of the banks of drains should be incorporated and maintained to add stability to the drainage channel where possible and to provide for a year round access corridor for maintenance purposes.

The discharge of any liquid or material or substance other than unpolluted drainage water into a drain is prohibited. Buildings and structures shall be adequately setback from municipal drains to facilitate maintenance. Minimum setbacks shall be prescribed in the Zoning By-law.

## **6.4 Electrical Power Facilities**

### **6.4.1 Electric Power Facilities Permitted in Any Designation**

All existing electric power facilities and the development of any new electric power facilities that operate at 50 kilowatts including all works as defined in the *Power Corporation Act* and succeeding legislation, (such as transmission lines, transformer stations and distributing stations but excluding renewable energy systems in accordance with policy 6.5) will be permitted in any land use designation without an amendment to the Plan provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes. The electric power utility will be required to consult with the Township regarding the location of new electric power facilities.

### **6.4.2 Other Electric Facilities**

Other electric power facilities including buildings, structures and uses not used directly for the generation and supply of power, will comply with the provisions of this Plan and the Zoning By-law. The Township holds the right to participate in discussions on the locational criteria of new electric power facilities.

#### **6.4.2.1 Secondary Uses**

Secondary land uses, which conform to this Plan and the Zoning By-law, will be encouraged on the electric power utility lands, where deemed by Council to be compatible with adjacent land uses and by agreement with the electric power utility.

## **6.5 Alternative and Renewable Energy Systems, Energy Conservation and Generation**

### **6.5.1 Alternative and Renewable Energy**

The Township supports energy conservation and the development of alternative and renewable energy systems in accordance with Provincial Policy. The siting of any new proposed medium or large scale alternative or renewable energy systems shall be subject to an Official Plan Amendment, Zoning by-law amendment and site plan approval. Pre-consultation with the applicant in accordance with Policy 7.5 is required to determine the appropriate supporting studies and process required.

### 6.5.2 New Development

The Township will promote subdivision and site plan designs maximizing passive solar energy opportunities and other alternative energy sources, building designs and construction techniques which conserve energy.

### 6.5.3 Retrofitting and Renovating of Township Buildings

The Township may use any energy conservation grants, loans and audit services to retrofit or renovate its older buildings and structures to incorporate energy saving mechanical, electrical and lighting systems.

### 6.5.4 Energy Conservation Education Programs

The Township will promote educational programs that will increase public awareness of energy conservation.

## 6.6 Waste Management

### 6.6.1 Municipally Run Garbage and Recycling Collection Services

The Township supports municipally run garbage and recycling collection services. For any new multi-unit residential development, buildings must demonstrate waste storage ability, as requested by the Township in the form of a Waste Management Plan or other document. The Township encourages all businesses to reduce waste generation and the implementation of best practices.

### 6.6.2 Uses Not Permitted

Development of new landfill sites within the Township are prohibited. Expansions to existing landfill sites will require an Official Plan Amendment and a Zoning By-law Amendment.

### 6.6.3 Development in Proximity to an Active or Closed Waste Disposal Site

The development of new uses within an assessment area of 500 metres of the perimeter of an active or closed waste disposal site (located in this or an adjoining Township) may require a Land Use Compatibility Study to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including, but not necessarily limited to methane gas and leachate in accordance with the Land Use Compatibility Guidelines of the Ministry of Environment, as amended time to time.

The Land Use Compatibility Study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be restricted and/or refused.

Closed waste disposal sites located in the Township are located at Lot 14, 2nd Range North of Union Road; Lot 4, 1st Range West of River Road; Lot 3, 1st Range West of River Road; Lot 14 Concession 1; Lot 14, 1st Range South of Union Road; and Lot 10, BF. A Provincially significant waste disposal site is located on Part Lot 21-23, Concession 3. All former and active waste disposal sites are shown on Schedule 6 of this Plan.

### 6.6.4 Provincial Approval Requirements

Where development or change of use is proposed on a waste site, no Zoning By-law, Zoning By-law Amendment, Official Plan Amendment or other *Planning Act* approval will be adopted or granted until

approval from the Province is obtained in accordance with Section 46 of the Environmental Protection Act, or if more than 25 years has lapsed since the land ceased to be so used for waste disposal purposes.

### **6.6.5 Waste Water Treatment Facility**

The Ministry of Environment recommends minimum separation distances between new residential developments and other sensitive land uses and existing waste water treatment facilities. The Ministry of Environment will be consulted to determine these separation distances within the Township or an adjoining municipality, that is in accordance with Land Use Compatibility Guidelines issued by the Ministry of Environment, as amended time to time.

## **6.7 Public Utilities**

### **6.7.1 Permitted Uses in Any Designation**

The following public services and facilities are permitted in all land use categories, subject to the development policies of this Plan:

- a) Transportation, communication, and electric power transmission corridors, and associated facilities subject to applicable laws and regulations under Province of Ontario Statutes;
- b) Water supply, sewage treatment, storm drainage facilities, and utility services;
- c) Municipal government buildings and facilities;
- d) Re-use of abandoned utility and/or transportation corridors for public purposes;
- e) Public open space; and
- f) Natural gas pipelines and accessory works.

### **6.7.2 Public Services and Facilities in Residential Areas**

In Residential areas, the public services and facilities listed in Policy 6.7.1 will be designed and constructed so that they are compatible with the surrounding Residential area.

### **6.7.3 Underground Utilities**

Underground utilities, including electric power lines and telephone lines, will be required in all new developments within Residential areas and in other areas, where feasible.

### **6.7.4 Multiple Uses of Rights-of-Way**

The Township will encourage the multiple-use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan. Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical. Wherever possible, easements should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

### **6.7.5 Access to Emergency Services**

The Township encourages to strategically locate infrastructure and public service facilities to support the effective and efficient delivery of emergency management services.

## **6.8 Green Design and Green Infrastructure**

The Township supports the inclusion of green design measures for new or improvements to existing infrastructure. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, green streets, urban forests, natural channels, permeable surfaces, and green roofs.

### **6.8.1 New Development Green Standards**

The Township encourages new developments to consider energy efficient designs and features, green features, and green building technologies and rating systems such as Leadership in Energy and Environmental Design (LEED) as part of their design, where feasible.

### **6.8.2 Green Infrastructure Opportunities**

The Township encourages the implementation of renewable energy systems such as wind, geothermal and solar power installations; green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect; innovative stormwater management methods, water conservation and efficiency tactics; and, conserving heritage resources. These measures can contribute to lessening the energy and resources needed for new construction.

# 7 IMPLEMENTATION

## 7.1 General

The policies of this Section are intended to provide guidance for the implementation and monitoring of the Township's Official Plan. The policies of this Section are based on the authority delegated to the Township through the *Planning Act*, *Municipal Act* and other applicable legislation as the case may be. In general, this Section is organized around the various aspects of the development approvals framework.

## 7.2 Delegation of Authority

In considering requests for a planning application, a Council or a Committee of Council, which has been delegated authority will provide information to the public, and host required public meetings in accordance with the *Planning Act*. Consultation between Lower Thames Valley Conservation Authority and Kettle Creek Conservation Authority, Council, Indigenous communities and other applicable public commenting agencies will be completed as necessary to conserve and preserve natural features and landscapes and any other issues of importance.

## 7.3 Official Plan Amendments

All amendments to this Plan may be made in accordance with the *Planning Act* to integrate new objectives, policies or re-designations. The Township shall revise this Plan as required to conform with provincial plans and matters of provincial interest, and shall be consistent with the Provincial Policy Statement (PPS). Amendments to this Plan shall require public meetings in accordance with the *Planning Act*.

## 7.4 Five Year Review of Official Plan

In accordance with the *Planning Act*, a special meeting of Council, open to the public, will be held at least once every five years for the purpose of determining the need for a comprehensive review of policies and land use designations of this Plan, to ensure that the Official Plan conforms with Provincial Plans, has regard for matters of Provincial interest and is consistent with the policy statements issued under the *Planning Act* and that it accurately reflects the changing needs and circumstances in the Township.

## 7.5 Pre-Consultation Requirements

### 7.5.1 Pre-Consultation

Proponents will be required to pre-consult with the Township before filing an application for Official Plan or Zoning By-law Amendment and before filing an application for draft Plan of Subdivision or Condominium or Consent with the approval authority, provided a By-law is enacted by the Township in accordance with the *Planning Act*.

### 7.5.2 Purpose

The purpose of pre-consultation is to review a draft development proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of other information and materials

considered necessary by the Township and other affected agencies, such as the appropriate Conservation Authority to allow comprehensive assessment of the development application(s).

### 7.5.3 Supporting Information and Studies

During the pre-consultation process, the Township will identify the nature and scope of studies required to support the application. Required studies may include, but are not limited to:

- a) Affordable Housing Report;
- b) Agriculture Impact Assessment Report;
- c) Archaeological Assessment;
- d) Concept Plan;
- e) Cultural Heritage Impact Study
- f) Environmental Assessment Study;
- g) Environmental Impact Study (EIS) in accordance with the requirements of Section 2 of this Plan;
- h) Financial Impact Analysis;
- i) Flooding and Erosion Report;
- j) Functional/Site Servicing Report;
- k) Gas Well Study/Gas Migration Study;
- l) Geotechnical Report;
- m) Hazardous lands/soil stability Report;
- n) Heritage Impact Assessment;
- o) Hydrogeological Report;
- p) Illumination Study;
- q) Interim Servicing Study;
- r) Minimum Distance Separation Study (MDS I and/or MDS II);
- s) Noise/Odour/Nuisance/Dust/Vibration Assessment/Study;
- t) Phase 1 Environmental Site Assessment if, in the opinion of the Township, the existing or previous uses of the site or adjacent lands create a potential for site contamination;
- u) Planning Justification Report;
- v) Risk Assessment;
- w) Stormwater Management Report;
- x) Site Survey;
- y) Shoreline Study
- z) Sun/Shadow Study;
- aa) Traffic Impact Study;
- bb) Tree Protection Plan;
- cc) Urban Design Brief; and/or,
- dd) Wind Study.

In addition to the above, any other study that is deemed necessary by the Township or other agencies based on the Pre-Consultation Meeting to fully assess the impacts of the proposed development may be required.

### 7.5.4 Complete Applications

The Township shall only accept and process complete applications. The Township may delegate the authority to Township Administration for completeness through By-law enactment. Applications are deemed complete where the application:

- a) Satisfies applicable provincial, county and Township standards or requirements; and,
- b) Appropriately addresses the agreed upon scope/issues identified through pre-consultation.

## 7.6 Public Consultation and Engagement

### 7.6.1 Requirements for Consultation and Engagement

All applications proposing amendments to the Official Plan, Zoning By-law or a plan of subdivision are required to provide a proposed plan for consulting with the public with respect to the application in accordance with the applicable regulation under the *Planning Act*.

### 7.6.2 Consultation and Engagement with Indigenous communities

The Township's Official Plan shall be implemented in a manner that is consistent with the recognition and affirmation of applicable Aboriginal and treaty rights in accordance with section 35 of the *Constitution Act*, 1982. The Township shall work with Indigenous communities who have connection to the lands within the Township in the planning process to ensure consultation and engagement is appropriate to the type of planning application or process being undertaken. The Township respects the interests of the Indigenous communities and will seek to work in a collaborative and productive manner. The Township shall engage with Indigenous communities to:

- a) Coordinate on land use planning matters, in accordance with the Provincial Policy Statement; and,
- b) Consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

## 7.7 Decision, Notice and Appeal to LPAT

The Township may make a decision and issue a notice of decision in accordance with the *Planning Act*. The Township may choose to not make a decision within the decision timelines for applications in accordance with the *Planning Act*. Those with a right to appeal to the Local Planning Appeal Tribunal (LPAT), may file their appeal when prescribed by the *Planning Act*.

## 7.8 Existing, Non-Complying and Non-Conforming Uses

### 7.8.1 Existing Uses

Existing uses are those that are legally in existence on the date of the adoption of this Plan by Council. Existing uses may be recognized in the implementing Zoning Bylaw within their existing site, provided Council determines that such uses do not impose negative impacts on neighbouring properties or surrounding area.

### 7.8.2 Non-Complying Uses

Non-Complying uses are a land use recognized as a permitted use under the implementing Zoning By-law but are non-complying with respect to various regulations of the By-law. This can be the result of a change in the standards of the Township. In such cases, the Zoning By-law may allow for additions to

non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

### 7.8.3 Non-Conforming Uses

Non-Conforming Uses are those that are legally established as of the date of this Plan. Nothing in this Plan will negatively impact the continuation of a use that was legally established as of the date of adoption of this Plan. Any land use existing as of the date of adoption of this Plan that does not conform with the land use designations as shown in this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

#### 7.8.3.1 Continuation of Use

Continuation of uses that are not permitted in the Zoning By-law have the right to continue indefinitely provided that the use of the property remains the same as on the day the By-law was passed and continues to be used for that purpose.

#### 7.8.3.2 Extension or Enlargement Conditions

At the discretion of the Township, in special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship. In considering applications to permit an extension or enlargement of a non-conforming use, Council will have regard to the following matters:

- a) The land use designation and policies of this Plan;
- b) The feasibility of acquiring the property pursuant to the *Planning Act*;
- c) The possibility of relocating the use;
- d) The impact of the proposal on the immediate area;
- e) The size of the enlarged operation related to the existing use;
- f) The degree to which any objectionable features of the use may be increased by the proposal;
- g) The possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) The adequacy and availability of municipal services;
- i) The impact of the proposal on natural heritage functions, features and linkages;
- g) The effect of existing natural and human made hazards; and
- h) The adequacy and availability of sanitary sewage, storm water management facilities and water services.

#### 7.8.3.3 Replacement or Repair Conditions

Non-conforming uses which have been destroyed or partially destroyed by fire, winds or other natural events, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the Township should be satisfied that:

- a) The size of the building or structure to be replaced is the same size as the building or structure destroyed;

- b) If the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
- c) Where the non-conforming use is located in an area designated as a site plan control area pursuant to the Planning Act, the Site Plan Control policies of this Plan will apply;
- d) The possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
- e) The use cannot be relocated;
- f) It is not feasible to acquire the property pursuant to the *Planning Act*;
- g) Sanitary sewage, storm water and water services are adequate; and
- h) where a structure has been destroyed by a natural hazard (flooding / erosion) permission from the appropriate Conservation Authority will be required prior to redevelopment of the site occurs.

## 7.9 Planning Studies

### 7.9.1 Studies by Township

The Township will monitor factors such as population, land use, development trends, economic conditions, housing requirements, the supply, demand and availability of land for various land uses, the preservation and protection of agricultural land and natural heritage features and functions, the adequacy and availability of municipal services and facilities, the applicability of various government assistance programs and the negative impacts attributable to the implementation of any policy of this Plan. The Township may undertake studies to monitor any factors above and ensure an adequate response is provided by the applicable municipal body. Any findings of significance may be incorporated through an Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or other appropriate method.

### 7.9.2 Studies for Planning Applications

The preparation and submission of one or more studies or reports may be required in support of an application for Official Plan or Zoning By-law Amendment, Site Plan Control Approval, or for draft Plan of Subdivision or Condominium and Consent. Council may require a peer review of any such study by a qualified professional as selected by the Township to be undertaken at the cost of the applicant.

## 7.10 Secondary Plans

The Township may undertake independently or collaboratively with a third party, a Secondary Plan or planning study to delineate and guide development or redevelopment of a specific area. The Secondary Plan will detail additional policies including but not limited to urban design, land uses, transportation and municipal infrastructure. Secondary Plans may be required for, but not limited to, areas of large greenfield or brownfield, residential areas in transition, areas for intensification and growth, and heritage designated areas under protection of the Heritage Act. Stakeholder consultation and community engagement shall be required in accordance with the *Planning Act*.

## 7.11 Community Improvement Plans

Community Improvement Plans (CIPs) will be implemented through the passage of a By-law designating a Community Improvement Project Area, and the preparation of a coinciding Community Improvement Plan in accordance with the *Planning Act*. CIPs are intended to provide area-specific programing, stimulate development or redevelopment and improve the overall vitality of the municipality.

### 7.11.1 Elgincentive Community Improvement Plan

The goal of the Elgincentive Community Improvement Plan is to stimulate economic growth and diversification, to improve quality of place for residents and visitors and sustainability of the tax base. The CIP describes the general eligibility criteria that must be met for financial incentive programs listed. The Township of Southwold may provide funding for, and Elgin County may participate in, any of the following incentive programs during the term of this CIP, subject to the availability of Municipal and County resources:

- a) A Tax Increment Equivalent Grant for Major Projects and Brownfield Development;
- b) A Façade, Signage, and Property Improvement Grant;
- c) A Building Improvement/Restoration Grant;
- d) A Building Conversion/Expansion Grant;
- e) An Energy Efficiency Retrofit Grant;
- f) An Outdoor Art Grant;
- g) A Feasibility, Design, and Study Grant;
- h) An Application and Permit Fees Grant;
- i) A Multiple Property Owners Supplemental Grant;
- j) A Savour Elgin/Elgin Arts Trail Supplemental Grant;
- k) Environmental Study Grant; and
- l) Brownfield Tax Assistance Program.

### 7.11.2 New Community Improvement Plans

The goal of a Community Improvement Plan should be to improve a specific area through maintenance, revitalization, rehabilitation or redevelopment for enhanced livability of the community. A new community improvement plan must include a purpose, goals, objectives, boundary and justification, programs and projects description and appendices with technical justification. The *Planning Act's* minimum requirement for public consultation for the preparation and adoption of Community Improvement Plans must be adhered to.

#### 7.11.2.1 New Community Improvement Plans Criteria

The following criteria may be considered for the development of a new CIP:

- a) Existing built form;
- b) Land use issues;
- c) Transportation and infrastructure issues;
- d) Environmental issues;
- e) Social, economic issues; and
- f) Dilapidated lands or underutilized sites.

## 7.12 Community Benefits

The Township may undertake a Community Benefits Strategy in accordance with section 37 of the *Planning Act*. Following the Community Benefits Strategy, the Township may impose by By-law Community Benefits Charges as specified in the Planning Act.

## 7.13 Parkland Dedication

The Township may pass a Parkland Dedication By-law with alternative rates as required, and in consultation with the applicable authorities, in accordance with the *Planning Act*.

## 7.14 Official Plan Amendments

Council may adopt amendments to the Plan for implementation of a comprehensive review, implementation of changes to and new provincial or regional policies and plans or implementation of planning studies for specific area needs. In general, Official Plan Amendments within 2 years of the completion of this Official Plan are not permitted, however Council may consider amendments within this timeframe provided that:

- a) the original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles;
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) the amendment creates an appropriate precedent.

In preparing and adopting all amendments to this Plan, notice of all public meetings shall be given in accordance with the *Planning Act*.

## 7.15 Zoning By-Law Amendment

The Zoning By-law is the legal document that implements the policies of the Official Plan by regulating the use, location, density and design of development in the Township and all land use controls contained within Section 34(1) of the *Planning Act*. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning By-law. Council will adopt a new Zoning By-law to implement this Plan within 3 years, in accordance with the *Planning Act*. In general, Zoning By-law Amendments within 2 years of the completion of the repeal and replacement of the Zoning By-law are not permitted, however Council may consider amendments within this timeframe provided that:

- a) the original intent and purpose of the Zoning By-law is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles;
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) the amendment creates an appropriate precedent.

### 7.15.1 Content of Zoning By-law

Permitted uses, location of uses, area/dimensions, floor area (GFA), density (FSI), portion of occupied lot, density of residential and non-residential land uses, bulk and massing of structure, parking and loading area and requirements, landscaping requirements, any other regulations and requirements are to be regulated through a Zoning By-law as granted by the *Planning Act*.

### 7.15.2 Holding Zones/Provisions

#### 7.15.2.1 “H” Zones

Council may place certain lands in a holding (‘H’ or ‘h’) zone in conjunction with any zoning category under section 36 of the *Planning Act*. The purpose of the holding is for lands zoned for a use that includes conditions to be satisfied prior to any site development or alteration and subject to the Township’s discretion.

#### 7.15.2.2 Lifting of Holding Provision

The conditions that required the Holding symbol must be satisfied in order to remove the Holding symbol. The conditions for the lifting may include, but are not limited to:

- a) Site studies for opportunities and constraints;
- b) Grading the site;
- c) Provision of road infrastructure including but not limited to base, streetlight, signage, traffic controls;
- d) Provision of water;
- e) Wastewater or stormwater servicing for the lands;
- f) Financial requirements of the municipality;
- g) Any other matter within the provisions of the *Planning Act*.

## 7.16 Temporary Use By-Laws

Council may, in a By-law passed pursuant to the *Planning Act*, authorize the temporary use of lands, buildings or structures for any purpose that is otherwise prohibited by the By-law. As these uses will be temporary, this does not have to be limited to uses that conform to the Official Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law. In the case of Garden Suites, the timeline shall be up to 20 years from the date of passing of the By-law and may require an Agreement in accordance with the *Planning Act*. These time periods may be extended by By-law for additional three year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law.

## 7.17 Interim Control By-law

Council may pass an Interim Control By-law(s), in accordance with Section 38 of the *Planning Act*, on any area where a study has been undertaken on the land use planning policies or Zoning regulations. The By-law may limit or prohibit the use of the defined lands affected, until the study is undertaken.

## 7.18 Part Lot Control

Council may pass By-laws in accordance with the *Planning Act* to remove part lot control from all or any part of a registered plan of subdivision. A Part Lot Control By-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee. Part Lot Control By-laws may be repealed, amended or limited to a period of not more than 5 years by Council. Council may use the Part Lot Control By-law to generally avoid, the splitting of lots upon which semi-detached dwellings or street row housing is intended to be built and the re-subdivision of older registered plans of subdivision where no new rights-of-ways are to be created. The Part Lot Control By-laws will be approved by the County of Elgin, in accordance with the *Planning Act*.

### 7.18.1 Exemption from Part-Lot Control

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. Exemption from part-lot control will not be supported for the creation of a private road which serves free-hold lots

## 7.19 Plans of Subdivision

In addition to those criteria contained in Section 51(24) of the *Planning Act*, Council will evaluate applications for plans of subdivision on the basis of criteria such as, but not limited to, the following:

- a) The plan of subdivision is consistent with the objectives and policies of the Official Plan;
- b) The plan of subdivision can be adequately serviced with water and sewage treatment systems, and without requiring an undue financial commitment from the Township;
- c) The plan of subdivision can be adequately serviced with and makes suitable provision for services including, but not limited to, public streets, water, storm sewers, waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities;
- d) A residential plan of subdivision will not normally be exposed to excessive noise levels or other significant negative impacts associated with nearby activities;
- e) The plan of subdivision is designed to reduce any negative impact on surrounding land uses, the transportation network, or significant natural features;
- f) The plan of subdivision is designed to integrate with adjacent lands having compatible uses.

### 7.19.1 Draft Plan and Final Plan Approval

As a condition of draft plan approval, the Township may require applicants to satisfy certain conditions prior to final approval and registration of the Plan of Subdivision. The applicant may be required to meet conditions of draft approval within a specified time period of 3 years, failing which, draft plan approval may lapse. To provide for the fulfillment of these conditions and for the installation of services according to municipal standards, the Township shall require an applicant to enter into a subdivision agreement prior to final approval of the plan of subdivision. Requests for extensions of the lapsing approval can be considered by the Township, provided there has been evidence of progression on the conditions of approval by the proponent and that the policies of the Plan have changed in direction to impact the development.

### 7.19.2 Plans of Subdivision Deemed not Registered

In accordance with the provisions of the *Planning Act* Council may by by-law deem any part of a registered plan of subdivision not to be a plan of subdivision, in instances where a lot(s) are undevelopable due to constraints and/or generally not altering the character of the plan of subdivision, provided the plan of subdivision has been registered for 8 years or more.

## 7.20 Draft Plan of Condominium

A condominium will be developed with a minimum number of units to sustain independent and adequate operation of the condominium corporation. The minimum number to meet this requirement is approximately ten (10) units, and subject to the Townships' discretion. The Township shall permit all types of condominiums, in accordance with the *Condominium Act*. Common elements of a condominium corporation are permitted provided public ownership by the Township is not required for access, road allowances, servicing or constructing public facilities and services, and/or the conservation and protection of any natural features.

### 7.20.1 Draft Plan and Final Plan Approval

A condition of draft plan of condominium approval may include the satisfaction of conditions prior to final approval and registration of the plan. If the conditions are not within the set time frame of 3 years, the approval will expire and process must resume with a new application filing. The Township requires the proponent to enter into a Condominium Agreement to be registered on title. Requests for extensions of the lapsing approval can be considered by the Township, provided there has been evidence of progression on the conditions of approval by the proponent and that the policies of the Plan have changed in direction to impact the development.

## 7.21 Site Plan Control

Pursuant to section 41 of the *Planning Act*, all lands within the Township are designated as a proposed site plan control area. The Council may, by By-law, designate the whole or any part of the Township as a site plan control area, either geographically or by reference to one or more zones contained in the implementing Zoning By-law. Low density residential development and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated in the implementing Site Plan Control By-law. In certain circumstances where the size and scale of the proposed development have impacts on servicing, traffic, land use compatibility or any other planning matters, the Township may require Site Plan approval, such as for commercial greenhouses, mushroom farms or similar large scale operations. Any development in an area designated as a site plan control area shall not be undertaken unless Council has approved one or both, as Council may determine, of the following:

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under this Section.
- b) Drawings showing plan, elevation and cross-section views for each building to be erected, and displaying;
  - i. The massing and conceptual design of the proposed buildings;
  - ii. The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

- iii. The provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
- iv. Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design;
- v. Matters relating to exterior access to each building that will contain affordable housing units or to any part of such building;
- vi. The sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle facilities;
- vii. Facilities designed to have regard for accessibility for persons with disabilities.

The Township may develop Site Plan guidelines that can be used by development proponents when preparing their site plans, and by the Township when reviewing site plans.

### 7.21.1 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings, the Township may require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the Township any or all of the following:
  - i. Widening of highways that abut on the land subject to the *Planning Act*. Widening will be in accordance with the Transportation policies of this Plan;
  - ii. Facilities to provide access and curbing and traffic direction signs, subject to the *Public Transportation and Highway Improvement Act*;
  - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
  - iv. Walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
  - v. Access for persons with physical disabilities in accordance with the Ontarians with Disabilities Act
  - vi. Facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon;
  - vii. Walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
  - ix. Easement conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land; and
  - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) Maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities or works, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- c) Enter into one or more agreements with the Township dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection;
- d) Enter into one or more agreements with the Township ensuring that development proceeds in accordance with the approved plans and drawings. Such agreements may be registered against the land to which they apply; and
- e) Convey part of the land to the Township to the satisfaction of and at no expense to the Township for a public transit right of way.

Prior to the approval of plans and drawings in respect of any development proposed to be undertaken, the County has been advised of the proposed development and afforded opportunity to require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the County any of the following:
  - i. Widenings of highways that are under the jurisdiction of the County that abut the land;
  - ii. Facilities to provide access and curbing and traffic direction signs, where the lands abut a County Road, subject to the *Public Transportation and Highway Improvement Act*;
  - iii. Where the land abuts a County Road, off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and surfacing of such areas and driveways;
  - iv. Where the lands abuts a County Road, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land; and
  - v. Where the land abuts a County Road, facilities designed to have regard for accessibility for persons with disabilities.
- b) Enter into one or more agreements with the County dealing with and ensuring the provision of any or all of the facilities, works or matters set out in this subsection and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas. Such agreements may be registered against the land to which they apply; and
- c) Convey part of the land to the County to the satisfaction of and at no expense to the County for a public transit right of way.

### 7.21.2 Site Plan Agreement

A Site Plan agreement pursuant to the *Planning Act* shall be required in most instances. Financial Security shall be required to ensure due performance.

## 7.22 Committee of Adjustment

### 7.22.1 Minor Variance

When reviewing an application for minor variance, the Committee of Adjustment must consider the following matters and refer to them in its decision:

- a) Whether the requested variance is minor;
- b) Whether the general intent and purpose of the Official Plan is maintained;
- c) Whether the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) is maintained; and

- d) Whether the minor variance is desirable for the appropriate development or use of the land, building or structure.

The Committee of Adjustment will also consider if the application deals with circumstances not common to the area and would not set a poor precedent for similar requests. The variance shall also not cause any detracting from the amenities or character of nearby properties, or adversely impact parking or traffic conditions. The Committee of Adjustment will consider if any comments were presented by the public or a public agency and if the comment had any influence on the decision.

### 7.22.2 Other Powers

In addition to its powers of Section 7.22.1 of the Plan, the Committee of Adjustment, upon any such application,

- a) Where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit
  - i. The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause ii.
  - ii. Continued until the date of the application to the Committee of Adjustment, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed; or
  - ii. The use of such land, building or structure for a purpose that, in opinion of the Committee of Adjustment, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it is used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the Committee of Adjustment continued until the date of the application to the Committee of Adjustment, or
- b) Where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee of Adjustment, conforms with the uses permitted in the by-law.

### 7.22.3 Agreements

If the Committee of Adjustment imposes terms and conditions, it may also require the owner of the land to enter into one or more agreements with the Township dealing with some or all of the terms and conditions, and in that case the requirement shall be set out in the decision.

### 7.22.4 Two Year Period Non-Application

In general, Minor Variances within 2 years of the completion of the Zoning By-law are not permitted, however Council may consider minor variances within this timeframe provided that:

- a) the original intent and purpose of the Zoning By-law is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles;
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) the amendment creates an appropriate precedent.

## 7.23 Consents

In addition to those criteria contained in Section 51 (24) of the *Planning Act*, the following policies will apply to Land Division within the Township of Southwold:

- a) The size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, points of access, and compliance with the Zoning By-law.
- b) The lot must front onto and have direct access to an improved public roadway that is maintained on a year-round basis and is of a standard of construction adequate to accommodate the additional traffic generated.
- c) Severance will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.
- d) Severance may be granted to adjust lot boundaries or to increase the size of an existing substandard lot, provided that no new undersized lot is created.
- e) The severance must not result in landlocked parcels.
- f) The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province and the Township.
- g) The creation of a lot in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions, such as fragmentation, for which the area has been identified and has been approved by the affected Conservation Authority.
- h) As a condition of consent approval, cash payment in lieu of dedication will be required for each new lot created for residential, commercial or industrial purposes.

### 7.23.1 Multiple Consents

In some cases, multiple lot consents to sever may be more appropriate than proceeding through a plan of subdivision. In order to ensure that the multiple severance process does not circumvent proper planning procedures and principles, the following policies apply. Multiple lot consents may be permitted provided that:

- a) The proposed lots front onto an existing road of adequate construction;
- b) Only minor extension of services is required;
- c) The lands are located in a settlement area; and
- d) The total number of lots created by consent from a parcel of land in existence as of October 7, 1985, will generally be limited to a total of five, including the retained lot.

### 7.23.2 Severance Agreement

Any consent for lot creation may be subject to a comprehensive severance agreement entered into with the Township. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

### 7.23.3 New Farm Lots

The creation of new farm lots will be permitted where:

- a) The severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
- b) The severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment;
- c) The size of the severed and retained lots conforms to the requirements of the Zoning By-law;

### 7.23.4 Agricultural Consent Policies

Land severances in the Agricultural Area may be permitted:

- a) To create rights-of-way;
- b) To enlarge lots provided that:
  - i. The viability of the retained lot as a farm parcel is not threatened;
  - ii. Where the proposed enlargement is for a non-farm use, justification through an amendment to this Plan is required to demonstrate that the land does not comprise a specialty crop area, there is a need within the planning horizon for additional land and there are no reasonable alternative locations for the expansion which avoid prime agricultural areas; and
  - iii. The proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the *Planning Act*.
- c) To consolidate farm holdings;
- d) To allow minor lot adjustments which do not result in the creation of a new lot;
- e) A habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:
  - i. The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
  - ii. The non-farm parcel will be zoned to recognize the non-farm residential use; and
  - iii. Minimum Distance Separation I provisions can be met;
- f) For agricultural-related uses, in accordance with Section 4.1.

## 7.24 Capital Works

The construction of all public works within the Township shall be carried out in accordance with the policies of this Plan and within the financial capacity of the Township. Future development will be regulated by this Plan to ensure that the level of expenditure and debt, as compared to revenue and equalized assessment is maintained at equitable levels. Council may:

- a) Restrict development if the amount of development where such development causes an imbalance in the assessment ratio;
- b) Delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately service such developments.

## 8 DEFINITIONS

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards and/or other water-related hazards*.

**Accessory uses:** A use, separate building or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure

**Active Transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Adjacent lands:** means

- a. for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b. for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature* or area where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c. for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d. for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or otherwise defined in the municipal official plan.

**Adverse effects:**

as defined in the *Environmental Protection Act*, means one or more of:

- a. impairment of the quality of the natural environment for any use that can be made of it;
- b. injury or damage to property or plant or animal life;
- c. harm or material discomfort to any person;
- d. an adverse effect on the health of any person;
- e. impairment of the safety of any person;
- f. rendering any property or plant or animal life unfit for human use;
- g. loss of enjoyment of normal use of property; and

- h. interference with normal conduct of business.

**Affordable:** means

a) in the case of ownership housing, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural condition:** means

- a. in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b. in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Airports:** means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy system:** means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:** includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

**Areas of mineral potential:** means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

**Areas of natural and scientific interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Brownfield sites:** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resource:** means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

**Coastal wetland:** means

- a. any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b. any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive rehabilitation:** means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

**Comprehensive review:** means

- a) for the purposes of policies 1.1.3.8 and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, *infrastructure* requirements and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

**Conserved:** means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

**Defined portions of the one hundred year flood level along connecting channels:** means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:** means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:** means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

**Designated growth areas:** means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

**Designated vulnerable area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a. activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b. works subject to the *Drainage Act*; or
- c. for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

**Ecological function:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:** means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

**Fish:** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood fringe:** for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

**Flood plain:** for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a. along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
- b. along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  2. the *one hundred year flood*; and
  3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards, wave uprush and other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along *river, stream and small inland lake systems*.

**Floodway:** for *river, stream and small inland lake systems*, means the portion of the *flood plain* where *development and site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

**Freight-supportive:** in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Great Lakes - St. Lawrence River System:** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Green infrastructure:** means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs

**Ground water feature:** refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Habitat of endangered species and threatened species:** means habitat within the meaning of Section 2 of the Endangered Species Act, 2007.

- a. with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species;
- b. with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on

its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources and Forestry; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

**Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard* or *dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard* or *erosion hazard* limits.

**Hazardous sites:** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:** means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

**High quality:** means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

**Home Occupation:** means an occupation that provides a service as an accessory use within a dwelling unit performed by one or more of its residents. Such activities may include but are not limited to services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser or a provider of private home daycare.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Institutional use:** for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a. *redevelopment*, including the reuse of *brownfield sites*;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and
- d. the expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a. in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b. in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

**Major facilities:** means facilities which may require separation from *sensitive land uses*, including but not limited to airports, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Major goods movement facilities and corridors:** means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and

primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Marine facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

**Mine hazard:** means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:** means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

- a. lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- b. for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c. associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

**Mineral aggregate resource conservation:** means

- a. the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b. the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

**Mineral deposits:** means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multimodal transportation system:** means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

**Municipal water services:** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

**Natural heritage features and areas:** means features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

**Negative impacts:** means

- a. in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b. in regard to policy 2.2, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;

- c. in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- d. in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, , *agri-tourism uses*, and uses that produce value-added agricultural products.

**One hundred year flood:** *for river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

- a. for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b. in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c. for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a. *municipal sewage services* or *private communal sewage services* and *individual on-site water services*; or

- b. *municipal water services or private communal water services and individual on-site sewage services.*

**Petroleum resource operations:** means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:** means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:** means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

**Portable asphalt plant:** means a facility

- a. with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a. with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:** means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Private communal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**Protected heritage property:** means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

**Protection works standards:** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

- a. in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;
- b. in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish and fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- c. in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Provincial plan:** means a provincial plan within the meaning of section 1 of the *Planning Act*.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

**Quality and quantity of water:** is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Rail facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

**Regional market area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

**Reserve sewage system capacity:** means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:** means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:** means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:** means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a. redevelopment, including the redevelopment of *brownfield sites*;
- b. the development of vacant or underutilized lots within previously developed areas;
- c. infill development;
- d. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**River, stream and small inland lake systems:** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:** means a system of lands within municipalities that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and resource areas.

**Rural lands:** means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

**Sensitive:** in regard to *surface water features* and *ground water features*, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:**

means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. built up areas where development is concentrated and which have a mix of land uses; and
- b. lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

**Sewage and water services:** includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

**Significant:** means

- a. in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c. in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- d. in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and

- e. in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

**Special policy area:** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and site alteration, if a community has feasible opportunities for *development* outside the *flood plain*.

**Specialty crop area:** means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b. farmers skilled in the production of specialty crops; and
- c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

**Surface water feature:** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and

associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources and Forestry official species at risk list, as updated and amended from time to time.

**Transit-supportive:** in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Transportation demand management:** means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

**Transportation system:** means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

**Two zone concept:** means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

**Valleylands:** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:** means surface and/or groundwater that can be easily changed or impacted.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Watershed:** means an area that is drained by a river and its tributaries.

**Wave uprush:** means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife fire assessment and mitigation standards:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

**Wildlife habitat:** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest."

# APPENDIX 1

## ENVIRONMENTAL IMPACT STUDY

The determination of the scope and content of an Environmental Impact Study (EIS) shall be in general accordance with the guidelines set out in this appendix and be agreed to in advance with the appropriate agencies and shall be scoped as required. The area under study shall generally include the lands that are subject of the application and any lands that may be subject to impacts from the proposed development. Once agreement on the scope of the EIS is determined, all or some of the items below may need to be carried out:

- a) a description of the proposed undertaking; a three season survey of trees, shrubs and herbaceous vegetation on-site and classification of community types using criteria as standardized by the Ecological Land Classification for Southern Ontario (Lee, et al., 1998);
- b) a three season survey of bird, mammal and reptile and amphibian species and an assessment of potential wildlife species based on available habitat types with the bird survey being undertaken during the peak period for migratory and breeding bird activity (i.e. May and June for Breeding Bird Activities and May to October for peak migratory activity);
- c) a description which identifies and confirms candidate and significant wildlife habitat;
- d) a list based on the above mentioned inventories, of any vegetation or wildlife species observed and reported on-site that are designated rare, threatened or endangered by a government agency as well as a map illustrating the features and their locations;
- e) a description of the location and characteristics of all wetlands, all permanent and intermittent watercourses or waterbodies and the associated quality and type of aquatic or fish habitat (e.g., cold / warm water) including observed and recorded fish species present with reference to fish sampling data or benthic/invertebrate studies should accompany the field data on watercourses/fisheries.
- f) preparation of a wetland evaluation in accordance with the Ministry of Natural Resources and Forestry evaluation system. In all cases, the Ministry of Natural Resources and Forestry is responsible for reviewing and approving the wetland evaluations;
- g) an overview of site geology, topography and soil types, including data obtained from hand-augered holes or test pits;
- h) an overview of site hydrology describing recharge and discharge areas, and characteristics of existing or new wells;
- i) a discussion of existing and proposed sources of potential contamination (e.g. gas stations, machinery repair operations, etc.);

- j) a description of ecological functions and interrelationships for each natural heritage feature (e.g., ground water discharge maintaining a cold water trout stream, wildlife passage corridors, provision of habitat for rare species, vegetation of steeply-sloped lands that function to prevent erosion, etc.);
- k) how the proposed use affects the possibility of linking components of the significant natural heritage features and natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- l) a Management Plan (MP) identifying how the adverse effects will be avoided over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development. Performance measures, monitoring and adaptive management (where appropriate) may also need to be considered.

As required, an EIS should also include mapping development in relation to natural heritage features should include known significant natural heritage features, the property boundary, the study area/adjacent lands and all components of the project proposal.

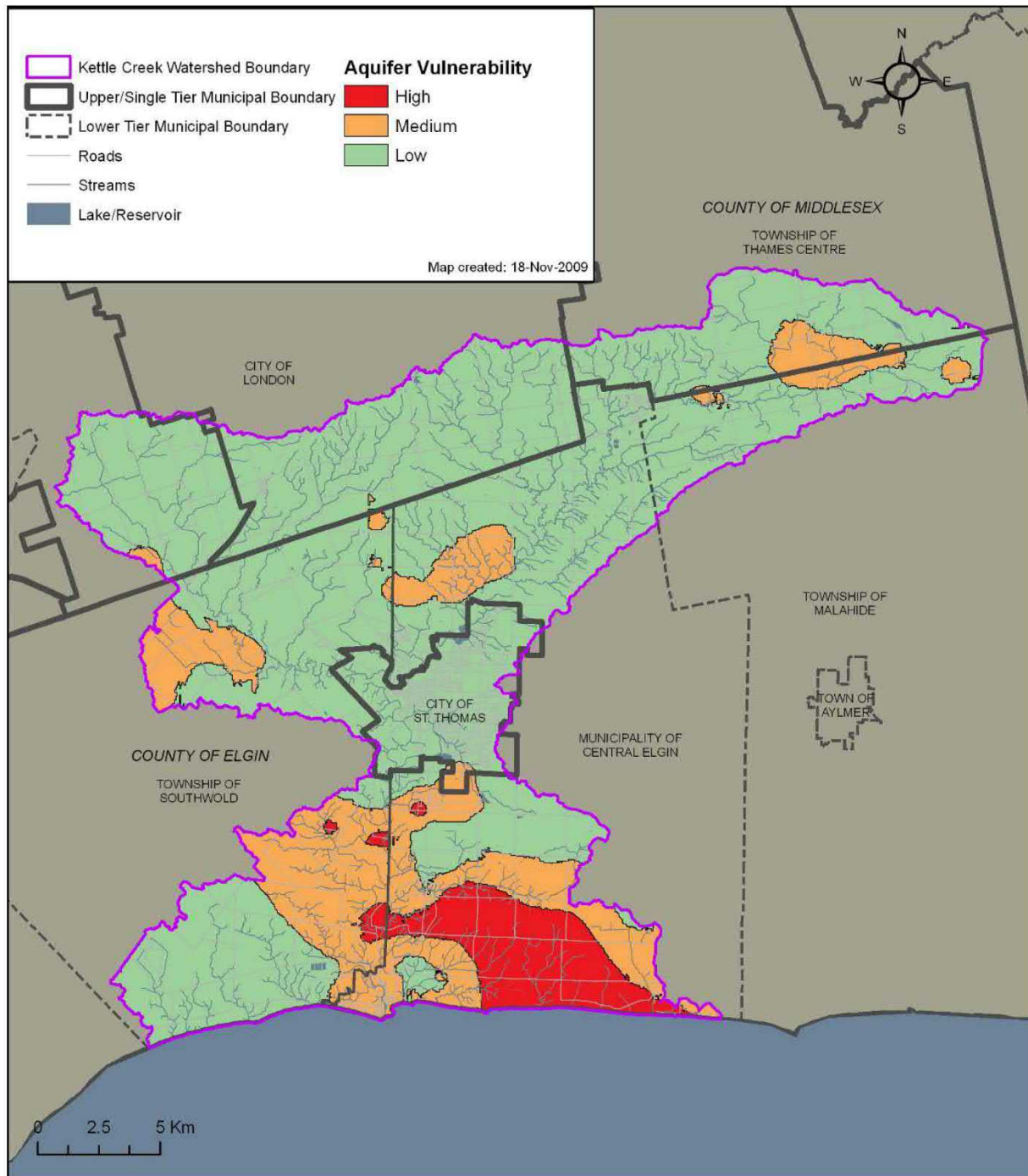
Any EIS shall describe what changes the proposed development and/or site alteration will have on the following, if applicable:

- a) significant natural heritage features
- b) ground and surface water recharge and discharge;
- c) predicted ground water use and potential for interference with nearby wells (e.g., well yield, water quality);
- d) ground water quality or quantity as it affects the natural environment (e.g. discharge to surface, aquifer conditions);
- e) surface water quality and quantity (e.g., sedimentation, temperature, flow volume);
- f) terrestrial wildlife habitat quantity or quality (e.g., loss of deer wintering yards, cover for wildlife movement, increased potential for bank erosion);
- g) aquatic or fish habitat quantity or quality (e.g., water warming from removal of stream bank vegetation, potential for destruction or alteration of a fisheries resource);
- h) wildlife movement corridors;
- i) the ecological function of the natural environmental features;
- j) noise and traffic levels and their impacts on wildlife as compared to existing conditions (e.g., truck traffic from excavation activities);

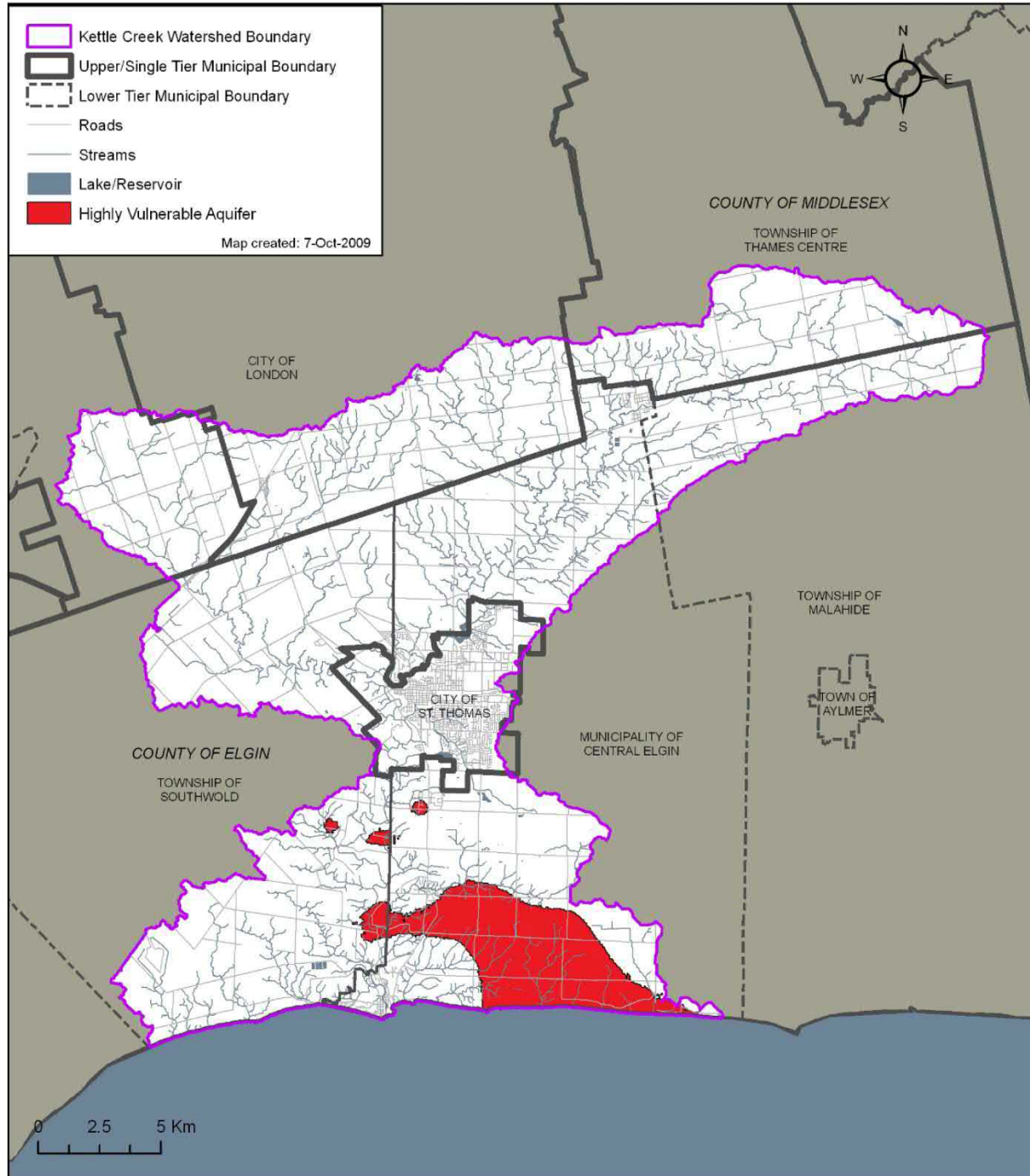
- k) the potential for fragmentation or isolation of portions of a significant natural heritage feature or breakage of an identified linkage as a result of the proposed change in land use;
- l) the potential for off-site discharge of materials (e.g., storm water runoff, effluent, odours, air emissions) as a result of the proposed development;
- m) erosion potential from grading and construction techniques and proposed mitigation measures for steep slopes or unstable soils;
- n) the compatibility of the proposed land use with surrounding land uses within the Greenlands system and/or associated linkages;
- o) flooding or changes in storm water retention capabilities as a result of the proposed land use or changes to flood attenuation capabilities of lands in the area; and,
- p) the duration of the effects, the size of the area affected, the sensitivity of the feature to change and any loss of ecological functions either within the area proposed for development.
- q) In addition to the above, the EIS shall describe the positive impacts or enhancements that may occur as a result of mitigation.

# MAPS

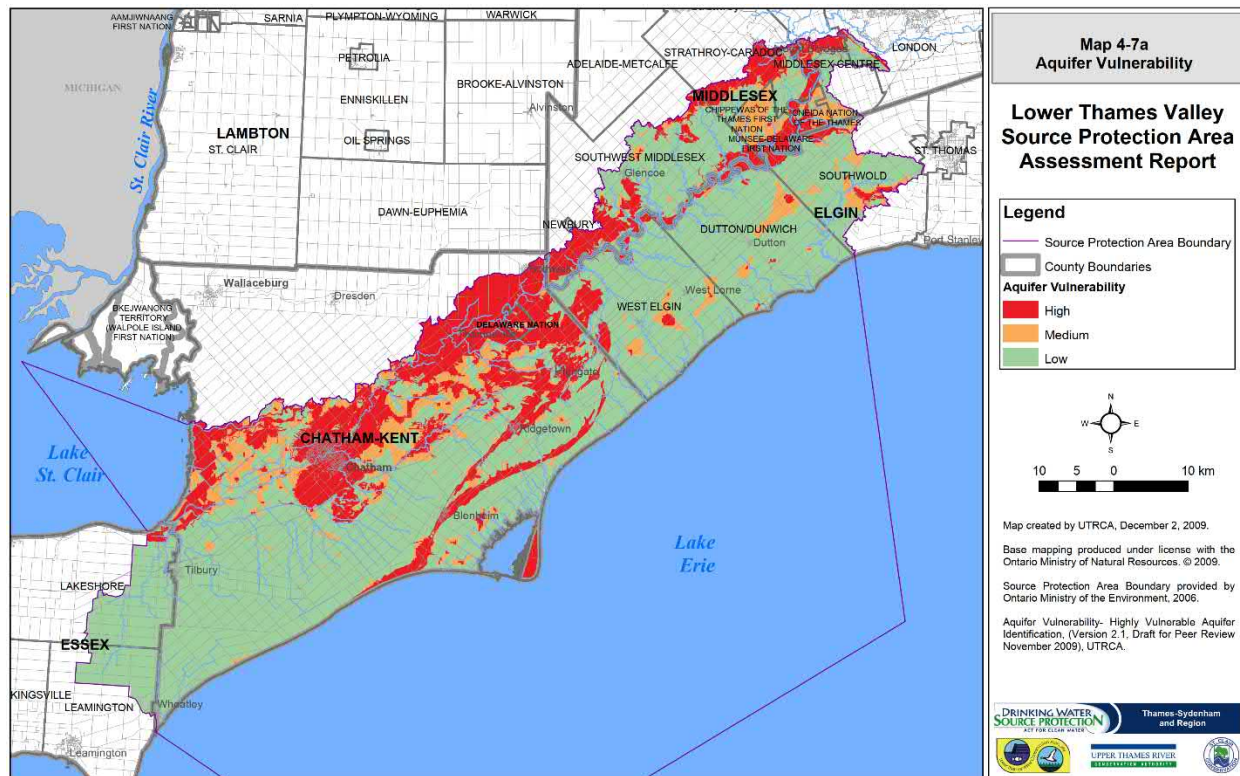
**MAP 1: AQUIFER VULNERABILITY, KETTLE CREEK WATERSHED**



**MAP 2: HIGHLY VULNERABLE AQUIFERS, KETTLE CREEK WATERSHED**



### MAP 3: AQUIFER VULNERABILITY, LOWER THAMES VALLEY WATERSHED



## MAP 4: HIGHLY VULNERABLE AQUIFERS, LOWER THAMES VALLEY WATERSHED

